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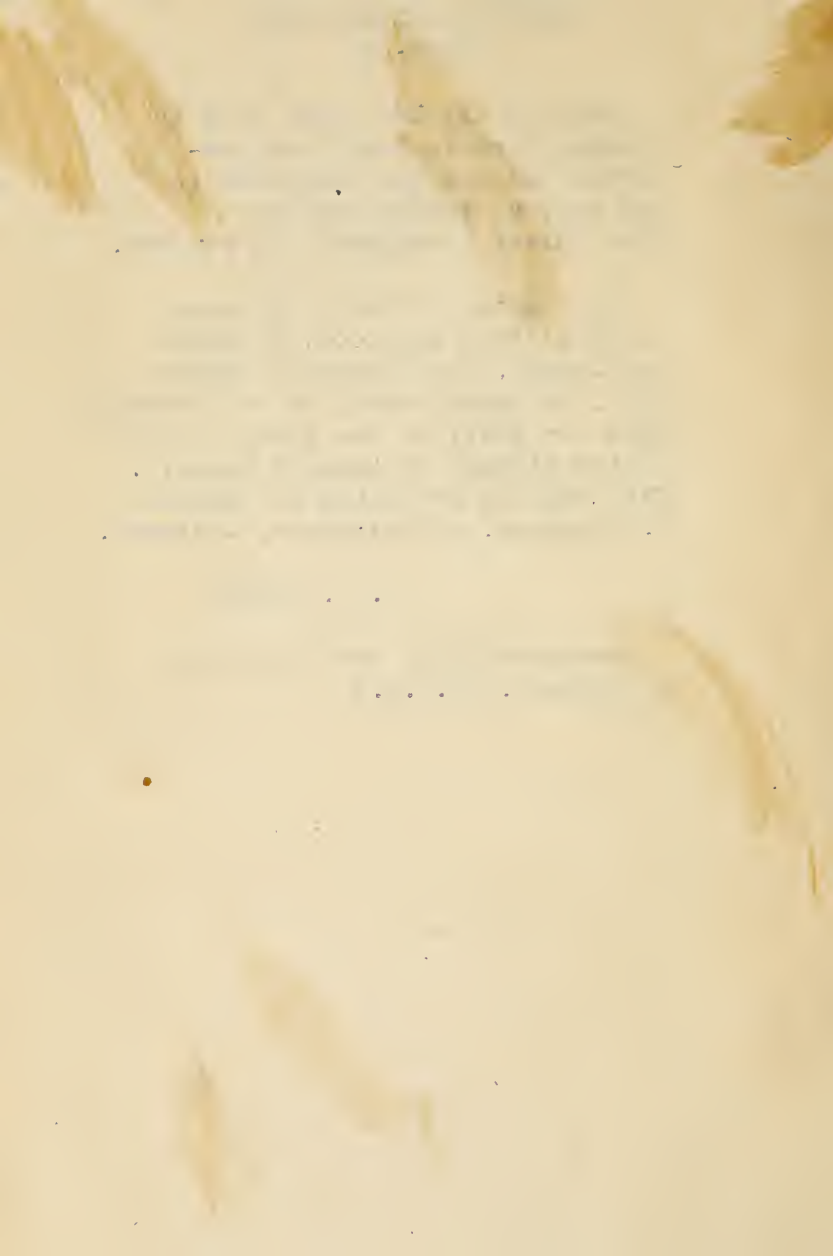
ILLINOIS SESSION LAWS  
1839-40

Many of the law books used by Abraham Lincoln have been preserved and are now treasured in the various collections of Lincolniana throughout the country.

In a group of law books used to illustrate the book, "Lincoln the Lawyer," by Frederick Trevor Hill, is shown a copy of the Session Laws for 1841, at one time in the office library of Logan & Lincoln. This copy is now owned by William H. Townsend, of Lexington, Kentucky.

H. E. Barker

Undoubtedly he used the issue of 1839-40. (L.A.W.)







# LAWS

OF

THE STATE OF ILLINOIS,

PASSED BY

THE ELEVENTH GENERAL ASSEMBLY,

AT

Their Special Session, began and held at Springfield, on the ninth of December, one thousand eight hundred and thirty-nine.

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PUBLISHED IN PURSUANCE OF LAW.

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1840.

THE STATE OF ILLINOIS

CHIEF JUSTICE

CLERK OF THE SUPREME COURT

RECEIVED

ms 5354  
JK 5707 1840

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# L A W S.

AN ACT to amend "An act concerning the Public Revenue, approved In force, Feb. 26th Feb. 1839." 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter assessors shall have till the first Monday of June annually to make their returns to the Clerks of the county commissioners' courts of their respective counties; and any person feeling aggrieved by reason of the assessment of his or her property, shall be allowed until the September term of the county commissioners' court of the proper county, in each year, to appeal to said court for the purposes set forth in the twelfth section of the act concerning the public revenue.

Assessors to make returns by the 1st Monday in June.  
Persons aggrieved may appeal.

SEC. 2. The clerks of the county commissioners' courts of the several counties, shall, immediately after the September term of their courts, annually, and by the first day of October, transmit by mail to the auditor of public accounts, a statement, as required by the thirteenth section of the act concerning the public revenue, and hereafter shall deliver to the collectors of their respective counties, the list of taxable property returned to them by the assessors, on or before the second Monday of September, annually.

Clerks to transmit statement to Auditor.  
To deliver to collector, list of taxable property.

SEC. 3. Hereafter, collectors shall annually, and within ten days after the times of holding the first terms of the circuit courts of their respective counties, account to the auditor of public accounts for, and pay into the State treasury, all moneys collected by them for the use of the State, deducting therefrom their commissions for collecting the same: *Provided*, That if the times of holding the term of any of the circuit courts should be previous to the first Monday in March, then, and in that case, the collectors of such counties shall in like manner account for, and pay into the State treasury, all such moneys, within ten days after the said first Monday in March.

Collectors to pay over into State Treasury all moneys collected.

Collectors to have an extension of time.

Delinquent list to be published in any newspaper having the most extensive circulation.

Penalty on collectors for neglect of duty.

Assessors to value property.

Persons names need not be in alphabetical order.

Fees to officers.

SEC. 4. The collectors of the several counties heretofore appointed, or hereafter to be appointed or elected, shall have an extension of time for making a final and annual settlement with the county commissioners' courts of their respective counties, until the first Monday of June. They shall also make returns to the several circuit courts as required by the twenty-fifth section of the act to which this is an amendment, at least five days previous to the first day of the term of their circuit courts respectively: they shall also be authorized to publish the delinquent list of lands and town lots in any newspaper in this State, which, in the opinion of the collectors, has the most extensive circulation in their respective counties; and in case any collector shall fail to make report of the persons failing to pay taxes on lands, at the first term of the circuit court, then he shall make such report to the next succeeding term of the court, and the said circuit court shall proceed as though application had been made to the first term of the circuit court, to give judgment as is now provided for by law. If any collector shall fail to comply with any of the provisions of this act, or the act to which this is an amendment, in relation to advertising delinquent lands, he shall be liable to a penalty of one hundred dollars, to be collected by an action of debt before any justice of the peace, or in the circuit court of his county, in the name of the county commissioners of the county.

SEC. 5. Assessors shall also be required to value and assess any lands or town lots not included in the list of lands and town lots furnished them by the clerks of the county commissioners' courts, which they may ascertain to be liable to taxation.

SEC. 6. The thirty-second section of the act to which this is an amendment, is hereby repealed.

SEC. 7. So much of the act, to which this is an amendment, as requires the names of all persons listing taxable property to be arranged and written in alphabetical order, be, and the same is hereby repealed; and assessors are hereby allowed to arrange and take the names of persons listing property in any manner most convenient to said assessor; except in listing lands, the lands shall be arranged by townships, ranges and sections, in numerical order.

SEC. 8. The following fees and compensation shall be allowed to the several officers and persons herein named, for services rendered under this, and the act to which this is an amendment. To sheriffs, for each tract of land or town lot sold for taxes, ten cents, to be collected as costs, and in the same manner as the principal sum: for each sheriff's deed, twenty-five cents, to be paid by the person receiving such deed. So much of the sixty-second section of the act to which this is an amendment, as allows collectors ten cents for each tract of land or town lot sold for taxes, be, and the same is hereby repealed. To clerks of the circuit court, for

receiving and recording the collector's return, six cents for each tract of land or town lot contained in said report, which shall be taxed as costs, and collected in the same manner as the principal sum; and no clerk, sheriff, collector or other officer, shall be allowed to charge any other fees for services rendered under this act and the act to which this is an amendment, except those expressly granted and allowed to be charged. There shall be allowed collectors of the several counties in this State, ten per cent. on the first five hundred dollars of revenue which they may collect, and six per cent. on all sums above that amount; and collectors shall be allowed to have one or more deputies—such collector being in all cases responsible for the acts of his deputy.

SEC. 9. So much of the thirty-first section of the act to which this is an amendment, as requires the clerk of the circuit court to furnish a copy of the collector's report to the sheriff, be, and the same is hereby repealed. The word "of" in the seventeenth line of the first section of the act to which this is an amendment, shall be construed as the word "and."

Thirty-first section of the act to which this is supplementary repealed.

SEC. 10. The Secretary of State is hereby required, so soon as this bill becomes a law, to have, without delay, three copies of this bill printed for each county in this State, and forward the same without delay, by mail, to each of the following county officers: One copy to the clerk of the circuit court, one copy to the clerk of the county commissioners' court, and one copy to the sheriff of each and every county in this State.

Secretary of State required to publish this act on its passage.

APPROVED, Feb. 1st, 1840.

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AN ACT fixing the time of holding the Circuit Courts in the Eighth Judicial Circuit. In force Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Circuit Courts of the several counties in the eighth Judicial Circuit, shall hereafter be holden at the county seats of said counties, at the times following, to wit:

Time of holding courts in eighth circuit.

In the County of *Sangamon*, on the first Mondays in March, Sangamon. second Monday in July, and second Monday in November.

In the County of *Tazewell*, on the Thursdays before the first Mondays in May, and the Thursdays before the fourth Mondays in September. Tazewell.

In the County of *McLean*, on the second Mondays in May, McLean. and first Monday in October.

In the County of *Livingston*, on the third Monday in May, Livingston. and second Monday in October.

In the County of *De Witt*, on the Thursdays after the third Mondays in May, and the Thursdays after the second Mondays in October. De Witt.

In the County of *Macon*, on the fourth Mondays in May, Macon. and third Mondays in October.



Dane, (now Christian co.) In the County of *Dane*, on the first Mondays of June, and fourth Mondays in October.

Logan. In the County of *Logan*, on the Thursdays after the first Mondays in June, and the Thursdays after the fourth Mondays in October.

Menard. In the County of *Menard*, on the second Mondays in June, and first Mondays in November.

Writs and process. SEC. 2. All writs, or other process which may have been issued out of any of said courts since the last term of the same, or which may hereafter be issued previous to this act being received by the clerks of said courts respectively, shall be deemed and are hereby made returnable on the first day of the next term thereof, to be held by virtue of this act; and all proceedings, both civil and criminal, which are now pending therein, shall be disposed of according to law in the same manner as if no alteration had been made in the times of holding said courts.

APPROVED, Feb. 1st, 1840.

## AN ACT to incorporate the city of Springfield.

### ARTICLE I.

#### *Boundaries and general powers.*

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of Springfield, in the county of Sangamon, and State of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the City of Springfield, and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. All that district of country enclosed within the following boundaries, to wit: Being in Sangamon county and State of Illinois, one mile square; the State House is [being] the centre of [said city of Springfield.]

SEC. 3. The President and Board of Trustees of the town of Springfield, shall on or before the first day of March next, or as soon thereafter as practicable, divide the said city of Springfield into four wards, as nearly in population as practicable, particularly describing the boundaries of each.

SEC. 4. Whenever any tract of land adjoining the city of Springfield shall or may have been laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of the city of Springfield.

SEC. 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatever. To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, as for other public purposes, for the use of the inhabitants of said city. To sell, lease, convey or dis-

pose of property real and personal for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

## ARTICLE II.

### *Of the City Council.*

SEC. 1. There shall be a City Council, to consist of a Mayor and Board of Aldermen.

Mayor and Aldermen.

SEC. 2. The Board of Aldermen shall consist of one member from each ward, to be chosen by the qualified voters for two years.

SEC. 3. No person shall be an Alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election a bona fide free-holder in said city, and twenty-one years of age, and citizen of the United States.

Qualifications of Aldermen.

SEC. 4. If any Alderman shall after his election, remove from the ward for which he is elected, or cease to be a freeholder in said city, his office shall thereby be vacated.

Office when vacant.

SEC. 5. At the first meeting of the City Council the Aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the Board shall be elected annually.

Classes of Aldermen.

SEC. 6. The City council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

Elections and returns.

SEC. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by Ordinance.

Quorum.

SEC. 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

Expulsion of members.

SEC. 9. The city council shall keep a journal of its proceedings, and from time to time, publish the same, and the yeas and nays when demanded by any member present, shall be entered on the Journal.

Journal of proceedings.

SEC. 10. No Alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

Aldermen may not hold offices under city.

SEC. 11. All vacancies that shall occur in the Board of Aldermen, shall be filled by election.

Vacancies.

SEC. 12. The Mayor and each Alderman, entering upon the duties of their office, shall take and subscribe an oath "That they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their office to the best of their skill and abilities."

Oaths of office



**SEC. 13.** Whenever there shall be a tie in the election of Aldermen, the Judges of election shall certify the same to the Mayor, who shall determine by lot in such manner as shall be provided by ordinance.

**SEC. 14.** There shall be twelve stated meetings of the city council in each year, and at such times and places as may be prescribed by ordinance.

#### ARTICLE III.

##### *Of the chief Executive officers.*

**SEC. 1.** The chief executive officers of the city shall be a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

**SEC. 2.** No person shall be eligible to the office of Mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a bona fide freeholder in said city, and a citizen of the United States.

**SEC. 3.** If any Mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

**SEC. 4.** When two or more persons shall have an equal number of votes for Mayor, the Judges of election shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided for by ordinance.

**SEC. 5.** Whenever an election of Mayor shall be contested, the city council shall determine the same, in such manner as may be provided by ordinance.

**SEC. 6.** Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election.

#### ARTICLE IV.

##### *Of Elections.*

**SEC. 1.** On the third Monday of April next, one election shall be held in each ward of said city, for one Mayor for the city, one alderman from each ward, and forever thereafter, on the third Monday of April after, each year there shall be an election held for one Mayor for the city, and two aldermen from two of the wards, the first election held for Mayor and Aldermen shall be held, conducted, and returns thereof [made] as may be provided by ordinance of the present Trustees of the town of Springfield.

**SEC. 2.** All free white male inhabitants; citizens of the United States, of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said city six months next preceding said election, shall be entitled to vote for city officers: *Provided*, That said voters shall give their votes for Mayor and aldermen in wards in which they respectively reside, and in no other; and



that no vote shall be received, at any of said elections, unless the person offering such vote, shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

## ARTICLE V.

*Of the Legislative powers of the city council.*

SEC. 1. The city council shall have powers and authority to levy and collect taxes upon all property, real and personal, within the city, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance not repugnant to the Constitution of the United States and of this State. Tax to be levied.

SEC. 2. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same. Officers to give bond and take oath.

SEC. 3. To establish, support, and regulate common schools, to borrow money on the credit of the city: *Provided*, That no sum or sums of money shall be borrowed at a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising for taxes assessed on real property within the corporation. To borrow money. Common schools. Proviso.

SEC. 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same. Contagious diseases. Quarantine laws.

SEC. 5. To appropriate and provide for the payment of the debt [and] expenses of the city. Expenses of city.

SEC. 6. To establish hospitals, and make regulations for the government of the same.

SEC. 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same. Health of inhabitants.

SEC. 8. To provide the city with water, to dig wells and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants. Wells and pumps.

SEC. 9. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys. Improvement of streets.

SEC. 10. To establish, erect, and keep in repair, bridges. Bridges.

SEC. 11. To divide the city into wards, and specify the boundaries thereof, and create additional wards, as the occasion may require. Wards and boundaries.

SEC. 12. To provide for lighting the streets and erecting lamp posts. Lamps and posts.

SEC. 13. To establish, support, and regulate night watches. Night watches.

- Markets.** SEC. 14. To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.
- Buildings.** SEC. 15. To provide for erecting all needful buildings for the use of the city.
- Public grounds.** SEC. 16. To provide for enclosing, improving, regulating all public grounds belonging to the city.
- To license and tax merchants, &c.** SEC. 17. To license, tax, regulate auctioneers, merchants and retailers, grocers, taverns, ordinaries, hawkers, pedlars, brokers, pawn brokers, and money changers.
- Carriages, drays, &c.** SEC. 18. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property.
- Porters and portorage.** SEC. 19. To license and regulate porters and fix the rates of portorage.
- Exhibitions.** SEC. 20. To license and regulate theatrical and other exhibitions, shows and amusements.
- Disorderly houses.** SEC. 21. To tax, restrain, prohibit and suppress, tipling houses, dram shops, gaming houses, bawdy and other disorderly houses.
- Fire companies.** SEC. 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Chimneys, flues, & pipes.** SEC. 23. To regulate the fixing of chimneys and the flues thereof, and stove pipes.
- Combustible materials.** SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- Walls and fences.** SEC. 25. To regulate and order parapet walls and partition fences.
- Weights and measures.** SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.
- Lumber and materials.** SEC. 27. To provide for the inspection and measuring of lumber and other building materials: and for the measurement of all kinds of mechanical work.
- Inspection of hay, lime, &c.** SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, the measuring of charcoal, fire wood, and other fuel, to be sold or used within the city.
- Beef, pork, &c.** SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey in barrels.
- Weight of bread.** SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.
- Census.** SEC. 31. To provide for taking the enumeration of the inhabitants of the city.
- Removal of officers.** SEC. 32. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.
- Jurors and witnesses fees.** SEC. 33. To fix the compensation of all city officers and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.
- City police.** SEC. 34. To regulate the police of the city, to impose fines, and forfeitures and penalties, for the breach of any ordi-



nance, and provide for the recovery and appropriation of such Fines and forfeitures, and the enforcement of such penalties. feitures.

SEC. 35. The city council shall have exclusive power with- Billiard tables, &c.  
in the city, by ordinance, to license, regulate, and suppress and  
restrain, billiard tables, and from one to twenty pin alleys, and  
every other description of gaming or gambling.

SEC. 36. The city council shall have power to make all Ordinances.  
ordinances which shall be necessary and proper for carrying  
into execution the powers specified in this act, so that such  
ordinance be not repugnant to, nor inconsistent with, the con-  
stitution of the United States or of this State.

SEC. 37. The style of the ordinances of the city shall be: Style of.  
"Be it ordained by the city council of the city of Springfield."

SEC. 38. All ordinances passed by the city council shall, When to take effect.  
within one month after they shall have been passed, be publish-  
ed in some newspaper published in the city, and shall not be in  
force until they shall have been published as aforesaid.

SEC. 39. All ordinances of the city may be proven by the How proven.  
seal of the corporation, and when printed and published by  
authority of the corporation, the same shall be received in  
evidence in all courts and places without further proof.

#### ARTICLE VI.

##### *Of the Mayor.*

SEC. 1. The mayor shall preside at all meetings of the city Casting vote  
council and shall have a casting vote and no other. In case of of Mayor.  
non-attendance of the mayor or at any meeting, the board of ald-  
ermen shall appoint one of their own members chairman, who Chairman.  
shall preside at that meeting.

SEC. 2. The Mayor or any two aldermen may call special Special meet-  
meetings of the city council. ings.

SEC. 3. The Mayor shall at all times be active and vigilant Duties of  
in enforcing the laws and ordinances for the government of Mayor  
said city; he shall inspect the conduct of all subordinate officers  
of said city, and cause negligence and positive violation of  
duty to be prosecuted and punished: he shall from time [to  
time] communicate to the aldermen such information, and re-  
commend all such measures, as in his opinion may tend to the  
improvement of the finances, the police, the health, security,  
comfort and ornament of the city.

SEC. 4. He is hereby authorised to call on any male inhabi- In case of riot  
tant of said city over the age of eighteen years to aid in Mayor may  
enforcing the laws and ordinances; and in case of riot, to call call on inhab-  
out the militia to aid him in suppressing the same, or in carry- itants.  
ing into effect any law or ordinance, and any person who shall  
not obey such call shall forfeit to the said city a fine not exceed- Fines for  
ing five dollars. refusal.

SEC. 5. He shall have power whenever he may deem it Exhibit of  
necessary to require of any of the officers of the said city an books and  
exhibit of his books and papers. papers.

SEC. 6. He shall have power to execute all acts that may To extend all  
arts.

be required of him by any ordinance made in pursuance of this act.

Mayor commissioned as justice peace.

Powers.

SEC. 7. He shall be commissioned by the Governor as a justice of the peace for said city and county, and as such shall be a conservator of the peace in the said city; and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgements of deeds, mortgages, and all other instruments of writing, and certify to the same under the seal of the city, which shall be good and valid in law.

Exclusive jurisdiction.

SEC. 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of [the] corporation, and concurrent jurisdiction with all justices of the peace in all civil and criminal cases within the limits of the city, arising under the laws of the state, and shall receive the same fees and compensation for his services in similar cases.

Fees.

Salary of Mayor.

SEC. 9. He shall also have such jurisdiction as may be vested in him by ordinance for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and he shall receive for his services such salary as shall be fixed by ordinance of the city.

Mayor may be indicted for mal-conduct.

SEC. 8. [10.] In case the mayor shall at any time be guilty of palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Sangamon county, and on conviction; he shall be fined not more than two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court, that he be removed from office.

#### ARTICLE VII.

##### *Proceedings in Special Cases.*

Where private property taken to open streets.

SEC. 1. When it shall be necessary to take private property, for opening, widening, or altering any public streets, lanes, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Petition by owners for widening streets.

SEC. 2. When the owner [s] of all the property and [on any] street, lane, avenue, alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken, for opening, or altering such street, lane, avenue, or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Damages, how assessed.

SEC. 3. All persons empannelled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, avenue, or alley, shall be first sworn to that



effect, and shall return to the mayor their inquest in writing, and signed by the Jurors.

SEC. 4. In ascertaining the amount of compensation for <sup>Benefits and</sup> property taken for opening, widening, or altering any street, <sup>injuries.</sup> lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such streets, lanes, avenues, or alley.

SEC. 5. The mayor shall have power, for good cause shown <sup>Inquest may</sup> within ten days after any inquest shall have been returned to <sup>be set aside.</sup> him as aforesaid, to set the same aside, and order a new inquest to be made.

SEC. 6. The city council shall have power by ordinance to <sup>Special tax to</sup> levy and collect a special tax on the holders of the lots in any <sup>improve</sup> street, lane, avenue, or alley, or part of any street, lane, <sup>streets.</sup> avenue, or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks, and lighting such streets, lanes, avenues, or alleys.

#### ARTICLE VIII.

##### *Miscellaneous Provisions.*

SEC. 1. The inhabitants of the city of Springfield are <sup>Citizens ex-</sup> hereby exempted from working on any road beyond the limits <sup>empt from</sup> of the city, and from paying any tax to procure laborers upon <sup>road and</sup> the same, and from any tax for county purposes except upon <sup>county tax.</sup> real estate: *Provided*, The corporation shall support and provide <sup>Proviso.</sup> for all the resident paupers of said city, and pay the expenses of the circuit court in all criminal cases arising out of the offences of any citizen of said city, as also jail fees which may accrue therefrom, viz: boarding and lodging of criminals, or charges that may be just and equitable.

SEC. 2. The city council shall have power for the purpose <sup>Labor on</sup> of keeping the streets, lanes, avenues, or alleys in repair, and <sup>streets.</sup> require any male inhabitants in said city of twenty one years of age to labor on said street, lane, avenue, or alleys, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay not to exceed one dollar per day for <sup>Refusal to</sup> each day so neglected or refused. <sup>labor.</sup>

SEC. 3. The city council shall have power to provide for <sup>Punishment of</sup> the punishment of offenders, by imprisonment in county or city <sup>offenders.</sup> jail in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

SEC. 4. The city council shall cause to be published annual- <sup>Annual state-</sup> ly, a full and complete statement of all moneys received and <sup>ments.</sup> expended by the corporation during the preceding year, and on what account received and expended.

SEC. 5. All ordinances and resolutions passed by the presi- <sup>Ordinances of</sup> dent and trustees of the town of Springfield shall remain in <sup>trustees in</sup> force until the same shall have been repealed by the city coun- <sup>force.</sup> cil hereby created: *Provided*, No contract or agreement shall <sup>Proviso.</sup> be affected thereby.

SEC. 6. All suits, actions, and prosecutions, instituted, com- <sup>Suits and ac-</sup>

tions, how  
prosecuted.

menced, or brought by the corporation hereby created, shall be instituted, commenced, and prosecuted in the name of the city of Springfield.

Fines, &c. ac-  
cruing—how  
vested.

SEC. 7. All actions, fines, penalties, and forfeitures, which have accrued to the president and trustees of the town of Springfield, shall be vested in, and prosecuted by, the corporation hereby created.

Property of  
town vested in  
city.

SEC. 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Springfield for the use of the said inhabitants of said town, shall be, and the same is hereby, declared to be vested in the corporation hereby created.

Charter not to  
invalidate  
acts of town.

SEC. 9. This charter shall not invalidate any act done by the president and trustees of the town of Springfield, nor divest them of any right which may have accrued to them prior to the passage of this act.

Duty of trustee  
of town to  
issue procla-  
mation.

SEC. 10. The President and trustees of the town of Springfield shall, immediately after the passage of this law, within the limits of the city of Springfield, issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for four weeks in succession prior to the day of election for said officers.

Appeals al-  
lowed.

SEC. 11. Appeals shall be allowed from the decision in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Sangamon county, and every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from, and granted by, justices of the peace to the circuit court under the law of this state.

Office of May-  
or when vac-  
ant filled by  
Mayor pro  
tem.

SEC. 12. Whenever the mayor shall absent himself from the city, or shall resign, or die, or his office shall otherwise be vacated, the board of aldermen shall immediately proceed to elect one of their number president, who shall be the mayor pro tem.

Act declared  
public.

SEC. 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof.

Acts repealed.

SEC. 14. All acts or part of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Jurisdiction  
of city mar-  
shall and offi-  
cers.

SEC. 15. The city marshal, or any other officer authorised to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of the county of Sangamon, and shall be entitled to the same fees for travelling as are allowed to constables in similar cases.

Act to be pub-  
lished.

SEC. 16. It shall be the duty of the president and trustees of the town of Springfield, immediately after the passage of this act, to cause the same to be published two weeks in succession in two of the public journals printed in said town, and thereafter give notice for a public meeting of the legal voters of said town, who shall have been resident citizens thereof

Meeting of le-  
gal voters.



at least six months preceding said meeting, to be held at the court house on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same; *Provided*, That at any subsequent meeting, like notice being given as aforesaid, the same may be adopted and take effect immediately thereafter.

Time when to adopt or reject this act.

Proviso.

APPROVED by the Council, Feb. 3, 1840.

AN ACT in relation to the State Bank of Illinois.

In force Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the State Bank of Illinois is hereby revived, and the forfeiture of its charter for refusing to pay for its notes, or other evidences of debt, in specie, is hereby set aside; and said bank is hereby authorized to transact all business as a body corporate, in as full and complete a manner as she might have done if said bank had not suspended specie payments; and every provision of law requiring or authorizing proceedings against said bank, with a view to forfeit its charter, or wind up its concerns, or which requires said bank to suspend its operations and proceedings in consequence of its refusal to pay its notes, and other evidences of debt, in specie, is hereby suspended, until the close of the next session of the General Assembly of the State of Illinois: *Provided, however*, That to secure the benefit of the foregoing provisions, the said bank shall agree to conform to, and comply with, the following conditions, restrictions, and limitations, to wit:

Charter of State Bank revived.

Time of revival of charter. Proviso.

First. The said bank shall not hereafter make any loan on an hypothecation of the stock of the bank.

Second. That it will not, directly or indirectly, during its suspension of specie payments, sell, dispose of, or part with, any of its specie, or gold or silver bullion, except for the purposes of change, to the amount of five dollars, or under the sum of five dollars.

Third. That it will furnish monthly, to the Executive of the State, a full and complete statement of the condition and financial operations of said bank, and its branches, verified by the oath of [the] president or cashier of said bank, which statement shall be published in the newspaper of the Public Printer.

Fourth. That it will not, either directly or indirectly, issue, or put into circulation, during the period of its suspension of specie payments, any bank bill, or note, or any evidence of debt, by which its circulation will be increased beyond the amount of the capital stock actually paid in.

Fifth. That it will receive, upon deposit, any funds belonging to the State, which may be required to be so deposited,

and pay the same out upon the order of the proper officer or agent of the State, in kind, free from charge; and also, all funds heretofore deposited by the State.

Sixth. Hereafter, any stockholder in said bank, owning five shares of the stock of said bank, shall be qualified to act as director of said bank.

Seventh. That until said bank shall resume specie payments, citizens and residents of this State, who are indebted to them upon notes heretofore discounted, shall be allowed to pay their debts in instalments, at the rate of ten per cent. upon each and every renewal upon the amount originally due, upon condition that such debtors shall execute new notes with satisfactory security, and pay the aforesaid per cent., and the interest in advance, according to the uses [usages] and customs of banking: *Provided*, That this section shall not apply to notes or bonds assigned or endorsed to the bank.

Eighth. That the said bank shall not, after their acceptance of the provisions of this act, suffer any person, firm, or house, to become indebted, at any one time, to the parent bank, or either of its branches, as principal, or maker, of any promissory note, or notes, in a sum greater than ten thousand dollars. That it shall not suffer any person, firm, or house, to become indebted to the parent bank, or any [either] of its branches, as security or endorser, on promissory notes, in a sum greater than ten thousand dollars, and that it shall not suffer any person, firm, or house, to become indebted to said bank, or either of its branches, as drawer, or endorser, of bills of exchange, in a sum greater than twenty-five thousand dollars; and in case any person, firm, or house, shall, at the time of the acceptance of this act by said bank, be indebted to it in any manner greater than is allowed by the preceding limits, said bank shall proceed to call in said debt by instalments, until it shall not exceed the amount allowed by the above provisions.

Ninth. That at the next election for choosing directors of said bank, under the provisions of its charter, not less than three persons not now Directors, shall be chosen Directors by the stockholders; and thereafter, at each election, at least two new Directors shall be elected.

Tenth. After the acceptance of this act, if said bank shall fail to comply with any of the conditions, restrictions, or limitations, herein imposed, it shall be liable to be proceeded against as may now be done for a violation of any of the provisions of the original charter of said bank.

Shall receive its own bills. SEC. 2. The State Bank of Illinois shall at all times receive its own bank bills in payment of any demand, debt, or claim, due to the bank, from any individual or corporation whatever.

Acceptance of provisions to be filed with Sec. of State. SEC. 3. Whenever the State Bank shall accept the provisions of this act, and the president thereof shall file, in the office of the Secretary of State, a certificate of the fact of such acceptance, under the corporate seal of said bank, then from and after the filing such certificate, said bank shall be considered



as entitled to the benefits of this act, and shall be bound by all the conditions, restrictions, and limitations herein contained.

SEC. 4. This act shall not be construed so as to impair any rights acquired by individuals, or to prevent the holders of its notes, and other evidences of debt, from bringing and maintaining suits against said bank, for any notes, or other evidences of debt, which they now have, or may hereafter hold, against it: and the provisions of this section shall apply as well to notes heretofore issued, as to notes which may hereafter be issued by said bank. Rights not impaired.

SEC. 5. The Directors of the parent [bank] shall, within six months from the passage of this act, remove from Chicago the branch located at that place, and establish the same at such other place as the bank may deem proper. Branch at Chicago to be removed within six months.

APPROVED, by the Council, January 31st, 1840.

AN ACT to incorporate the Rock Island University.

In force, Jan. 18, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Charles Oakley, Charles S. Hempstead, Joshua Harper, Charles C. Wilcox, Philip K. Hanna, ——— Osborn, Samuel L. Lamberson, Rufus J. Hervey, Charles G. Thomas, Jonathan K. Woodruff, Germanicus Kent, James H. Gower, Alonzo P. Clapp, Lucius Wells, and William Hammond, and their successors, be, and they are hereby created a body politic and corporate, to be styled and known by the name of "the Trustees of the Rock Island University." Persons composing body corporate.

SEC. 2. The said University shall remain located at or near Hampton, in the county of Rock Island. The number of trustees shall not exceed fifteen, exclusive of the chancellor, or presiding officer of said university, who shall, ex officio, be a member of the Board of Trustees. No other instructor shall be a member of the board. Name and style.  
Location of University.  
Number of Trustees.  
Chancellor

SEC. 3. The object of said corporation shall be to qualify youth to engage in the several employments and professions of society, and to discharge honorably and usefully the various duties of life. Object of corporation.

SEC. 4. The said corporation shall have power to purchase, receive and hold, for the sole use and benefit of said University, such personal property as may be proper and useful in promoting the cause of literature therein; and in its corporate name to sue, and be sued, plead, and be impleaded, answer, and be answered, in all courts of law and equity; to have a common seal, and to alter or change the same; to make such by-laws for its regulation as are not inconsistent with the constitution and laws of this State or of the United States; and to confer on such persons as may be considered worthy, such Powers.

Degrees may be conferred. academical or honorary degrees as are usually conferred by similar institutions.

**SEC. 5.** The trustees of said corporation shall have authority to elect a chancellor, to regulate all financial affairs, and to fill the various offices of instruction: *Provided*, That no person be appointed to such office, except he be first nominated by the chancellor: *Provided, also*, That nothing herein contained shall authorize the establishment of a theological department in said University.

**SEC. 6.** The trustees for the time being shall have power to remove any trustee from his office of trustee for any dishonorable or criminal conduct: *Provided*, That no such removal shall take place without giving to such trustee notice of the charges exhibited against him, and an opportunity to defend himself before the board, nor unless that two-thirds of the whole number of trustees, for the time being, shall concur in such removal. The trustees for the time being, in order to have perpetual succession, shall have power as often as a trustee shall be removed from office, die, resign, or remove out of the State, to appoint a resident of the State to fill the vacancy thus made in the board of trustees. A majority of the trustees for the time being, shall be a quorum to do business.

**SEC. 7.** The trustees shall faithfully apply the funds collected, or hereafter collected, according to their best judgment, in erecting suitable buildings, in supporting the necessary instructors, officers and agents, in procuring books, maps, charts, globes, philosophical, chemical and other apparatus necessary to aid in the promotion of sound learning in the University: *Provided*, That in case any donation, devise or bequest shall be made for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same; every such donation, devise, or bequest, shall be applied in conformity with the express condition of the devisors or donor: *Provided, also*, That lands donated or devised as aforesaid shall be disposed of as required by the tenth section of this act: *And provided, further*, That the said corporation shall have power to purchase, and hold no greater quantity of land than six hundred and forty acres (which power is hereby conferred) except the same is acquired by donation.

**SEC. 8.** The treasurer of said University, always, and all other agents when required by the trustees, before entering upon the duties of their appointments, shall give bond for the security of the corporation, in such penal sum, and with such securities as the Board of Trustees shall approve, and all process against the said corporation shall be by summons, and service of the same shall be by leaving an attested copy with the treasurer of the University, at least thirty days before return day thereof.

**SEC. 9.** The said University and its preparatory departments shall be open to all denominations of Christians, and the profession of any particular religious faith shall not be requir-



ed of those who become students. All persons, however, may be suspended or expelled from said University, whose habits are idle, or vicious, or whose moral character is bad. Idle and vicious persons may be expelled.

SEC. 10. The lands, tenements and hereditaments to be held in perpetuity in virtue of this act, shall not exceed six hundred and forty acres, except such as are for University buildings and necessary appurtenances: *Provided, however,* That if donations, grants, or devises in land shall from time to time be made to said corporation over and above said six hundred and forty acres which may be held in perpetuity as aforesaid, the same may be received and held by said corporation for the period of nine years from the date of such donation, grant or devise; at the end of which time, if said lands over and above the said six hundred and forty acres shall not have been sold by the said corporation, then, and in that case, the said land so donated, granted, or devised, shall revert to the donor, or grantor, or to the heirs of the devisor of the same. Limit of lands to be held. Proviso. Lands by grant may be held nine years. When lands shall revert.

APPROVED, January 18th, 1840.

AN ACT for the incorporation of the Fayette Steam Mill Company. In force, Jan. 18, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That James Black, Joseph Chaffin, Fred'k Remann, Benjamin Buckmaster, Harvey Lee, John Denton, Joseph T. Eccles, R. K. McLaughlin and N. M. McCurdy, and their associates, successors, and assigns, be, and they are hereby constituted a body politic and corporate by the name and style of "The Fayette Steam Mill Company," for the more convenient owning and conducting a steam-saw and grist-mill, to be propelled by one or more steam engines, in the county of Fayette; and the transactions of all the usual business of companies engaged in the manufacture of flour, meal and lumber, and the transportation, and vending the same; and the said corporation, by the said name, is declared, and hereby made capable in law, to sue, and be sued, to plead, and be impleaded, to have a common seal, and the same to alter and renew at pleasure; to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of this State; and generally to do and execute whatever by-law shall appertain to such bodies politic: *Provided,* That nothing herein contained, shall be considered as conferring on the said corporation any banking privileges, but they shall be exclusively confined to the operations necessary for carrying on the business consequent upon the running and conducting of Steam-mills. Persons composing body corporate. Name and style. Powers. Proviso. Banking privileges not granted.

SEC. 2. The said corporation shall have the right to hold, possess, and enjoy; any quantity of land, not exceeding one thousand acres, and the whole amount of capital stock shall not exceed in value twenty thousand dollars, and shall be di- May hold one thousand acres of land. Capital stock.

Capital, how employed. vided into two hundred shares of one hundred dollars each; which capital shall be employed in purchasing and holding the lands aforesaid, and in procuring, constructing, employing, and using, buildings, machinery, teams, tools, and utensils and all things necessary and proper for the manufacturing of meal, flour and lumber, and transportation and sale of the same, and the purchase of corn, wheat, timber, and other materials for the successful prosecution of the object of the company.

Certificate of stock. Every member of the company shall have a certificate, under the seal of the corporation, and made and altered, in such manner and form as the by-laws shall prescribe, certifying his property in the share or shares owned by him; and the stock of said company shall, in the nature of personal property, be assignable and transferrable according to such rules as the board of directors shall establish; and no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend, until such debt is discharged, or security given for the same to the satisfaction of the directors.

Stock transferable. No transfer to be made till debts are paid to corporat'n.

Directors how chosen. SEC. 3. For the managing of the affairs of the said corporation, there shall be chosen from the stockholders, seven directors, who shall hold their office for one year, or until superceded by others. Ten days previous notice shall be given in one or more newspapers, published in the town of Vandalia, of the first election for directors under this act, and there shall be annually thereafter, a like election for directors, in the town of Vandalia. In all such elections for directors, each proprietor of a share in the capital stock shall be entitled to one vote for each and every share held and owned by him, which vote shall be given either by himself in person, or by his proxy duly authorized under seal, and a majority of the shares shall be necessary to a choice of directors, or the transaction of any business, which may concern the company and come before the stockholders.

First election.

Each share, one vote.

Quorum. SEC. 4. A majority of the directors shall form a quorum to transact business, and they shall meet within thirty days from the time they shall have been chosen, at Vandalia, and choose by ballot one of their number for President, who shall serve for one year, or until superceded by a new election; and there shall be, annually thereafter, a like election in the town of Vandalia, by the said directors for the time being, of a President for the said corporation. The said directors shall also have power to choose and appoint a Secretary, and Treasurer, and such other officers and agents to conduct and prosecute the business of the said corporation as they shall deem necessary and proper, and prescribe their duties from time to time in such way as said directors may think best. The said directors shall cause to be kept duly recorded in books to be provided and kept for the purpose, minutes of all their proceedings, and regular accounts of all their transactions; as also minutes of the proceedings of the stockholders at each of their meetings,

President, how chosen.

Annual election, where held.

Secretary and Treasurer, &c.

Books of record.



which books may at any time be inspected by any of the stockholders.

The said directors shall have power, for good cause, to be spread at large, together with the proof in support thereof, upon the minutes aforesaid, to remove the President from office; they shall have power also to supply any vacancy which may occur in the office of President, or in their own body; and the President or Directors thus chosen shall hold his office until the next succeeding regular annual election for such officer.

President may be removed.  
Term of office.

SEC. 5. The directors may, from time to time, at any meeting, assess and require payment of such sum of money not exceeding twenty per cent. upon each share of the capital stock, as shall be judged by them necessary for the purposes of the corporation, to be paid into the hands of the Treasurer, and if, after publication of notice in a newspaper, once a week for two months, of the time of payment of any proportion or instalment of said capital stock, if any stockholder shall fail to pay his instalment at the time specified in such notice, the amount paid by such delinquent stockholder, previously, shall be forfeited to the company, and his stock may be sold to any person for such price as may be agreed upon between said company and the purchasers.

Instalments of capital stock, how called in.  
When instalments are not paid, stock may be sold.

SEC. 6. Dividends of the nett profits of the said company shall be made at such time as shall be determined by the stockholders in general meeting, which dividend shall be paid to the person entitled to the same, on demand made ten days after making and declaring such dividend. The declaring and amount of said dividend shall be published once or more in the nearest newspaper.

Dividends, when and how made.

SEC. 7. The Treasurer of said company, within thirty days after his appointment, shall enter into bonds for the faithful discharge of his duties, in such amount as shall be designated by the Board of Directors, and with such securities as said board may approve; and all money accruing to the company and falling into the hands of said Treasurer shall be by him deposited in the Vandalia branch of the State Bank, to the credit of said company, whenever the same shall exceed one hundred dollars; said money when so deposited shall only be drawn therefrom for the use of said company on a check of the Treasurer, countersigned by the President of the corporation.

Treasurer to give bond.  
Moneys, where deposited by Treasurer.  
Moneys, how drawn.

SEC. 8. The stock of said company shall be deemed personal estate, and pass as such to the legal representative of each stockholder: *Provided*, That the real estate which may be held by said corporation shall be sold and conveyed when they may think proper so to dispose of it, according to the forms, and in the manner prescribed by the law conveying real estate; the President of the company making the acknowledgment on behalf of the corporation: *And provided, further*, That the said corporation, during the period of its existence

Stock deemed personal.  
Proviso.  
Further proviso.

Limit of  
charter.

which shall terminate at the expiration of twenty years from the passage of this act, shall not purchase and hold any greater quantity of land than one thousand acres.

APPROVED, January 18, 1840.

In force, Jan.  
18, 1840.

AN ACT to authorize the county of Jo Daviess to borrow money.

Commission-  
er to borrow  
money.

Real estate to  
be mortgaged  
as security.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' court, of the county of Jo Daviess, may, by an order to be entered upon the records of said court, appoint a commissioner, whose duty it shall be to borrow such sum or sums of money, as may be necessary to enable said county to complete the new courthouse, in the town of Galena, in said county, and the said commissioner is hereby authorized to mortgage any of the real estate of said county, to secure the payment of any sum or sums of money so borrowed.

SEC. 2. Any mortgage deed, made by such commissioner, under his hand and seal, on behalf of said county, for the purposes aforesaid, duly acknowledged and recorded, shall in all respects be valid and binding upon said county, and shall enable the mortgagee of such deed to prosecute to effect said county for a breach of the conditions of such deed, in the same manner as is pointed out in the 18th section of the act entitled an act concerning judgments and executions, approved January 17, 1825.

Writ of *scire*  
*facias*.

Service of  
writ.

SEC. 3. In any suit instituted under the provisions of this act, the *scire facias* required by said [act] to be issued may be left with the clerk of said court, ten days previous to the return day thereof, which shall constitute a sufficient service thereof to authorize the proper court, before which such suit is instituted, to proceed and render judgment according to justice and merits of the case.

APPROVED, January 18, 1840.

In force, Jan.  
18, 1840.

AN ACT to revive and continue in force an act, entitled "An act to locate a certain State road therein mentioned, approved Feb. 27, 1839."

Act revived,  
& further time  
allowed to lo-  
cate road.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act, entitled an act to locate a certain State road therein mentioned, approved February 27, 1839, be revived, and that the period of time allowed the commissioners, appointed by said act, to perform the duties therein assigned them therein, be extended to one year from the passage of this act.

APPROVED, January 18, 1840.



AN ACT to authorize H. H. Gear to keep a ferry across the Mississippi river. In force, Jan. 18, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hezekiah H. Gear, of the county of Jo Daviess, is hereby authorized, and licensed to keep a ferry across the Mississippi river, at and from a point in said river, in the county of Jo Daviess, and opposite the mouth of "Tete de Mort," in the territory of Iowa; and the said Gear, his heirs and assigns, shall have the right of having, maintaining, and using a ferry across the said river, at the place before mentioned, and to have and receive all advantages and emoluments arising from the use of said ferry, for and during the term of ten years: *Provided, however,* That the county commissioners' court, of the county of Jo Daviess shall have the right to assess an annual tax upon the said ferry equal to that levied upon other ferries severally situated in said county.

APPROVED, January 18, 1840.

AN ACT to amend an act, entitled "An act to incorporate the Rock Island Mutual Fire Insurance Company." In force, Jan. 18, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said corporation, in addition to the powers heretofore granted, by the act to which this is an amendment, are hereby authorized to take risks, and effect insurances, on all classes of personal property within the limits of this State.

APPROVED, January 18, 1840.

AN ACT to amend an act to incorporate Knox Manual Labor College. In force, Jan. 18, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the period of three years, allowed to the Trustees of Knox Manual Labor College, by the ninth section of the act, to which this is an amendment, for holding donations, grants, or devices in lands, be, and the same is hereby extended to seven years, in addition to the aforesaid period of three years, any thing in said section to the contrary notwithstanding.

APPROVED, January 18, 1840.

In force, Jan. 27, 1840. AN. ACT to establish Insurance Offices in Morgan, Pike and Scott counties.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following privileges and powers are hereby conferred upon and granted to the Winchester, Lynnville and Jacksonville Railroad Company, incorporated by an act passed on the eighteenth day of January, in the year eighteen hundred and thirty-six.

*First.* To use the stock and effects of said company, in the business of insurance, and to become to all intents and purposes an Insurance Company.

*Second.* To establish and keep in operation, insurance offices in Jacksonville and Winchester; all the business and operations of the company, to be under the direction of the rectors as heretofore.

*Third.* To change the by-laws of the corporation, so as to make them applicable and appropriate to the business and operations of an insurance company, and to make such additional by-laws, not inconsistent with the laws of the land, as may be found necessary to carry on the business of the company.

**SEC. 2.** Said company shall be authorized to make insurances upon vessels and their cargoes, or either, navigating the high seas or the lakes, and upon vessels and boats of any description and their cargoes, or either, navigating rivers and canals: to make insurance upon houses, mills and other buildings, (excluding distilleries) goods, chattels, wares, and merchandize, money, and every description of property usually insured by other companies in the State; also upon bottomry, loans, and upon lives, and also to cause itself to be re-insured against all risks or perils upon which it may have made insurance, and to make advances of money upon bottomry and respondentia, upon such terms as are authorized by the existing laws of this State.

**SEC. 3.** The directors shall prescribe in their by-laws the manner of executing their policies of insurance; the terms of insurance shall be such as may be agreed upon, as well as the provisions and times of payment.

**SEC. 4.** The stockholders shall severally be held liable to creditors, for the amount of stock subscribed. The liabilities of the company shall never exceed the amount of subscriptions of stock, and for all excess of liability the directors under whose authority or by whose permission such excess may arise, shall be jointly and severally liable for the same.

**SEC. 5.** The real estate now owned by the company, shall be held as capital stock at its cost, and the company shall not hereafter purchase or hold any other real estate in fee simple, except one town lot in Jacksonville and one in Winchester, on which to erect the buildings necessary to the transaction of its business: *Provided, however,* that in cases

where real estate may be sold to satisfy debts due the company, the same may be purchased in satisfaction of such debts, but all real estate so purchased, shall be offered for sale at public vendue, at least once in each year, and shall be sold whenever the amount of the judgment under which the purchase was made, shall be offered at any such sale.

Real estate  
sold for debts

SEC. 6. Said company shall not directly or indirectly deal or trade in goods, wares or merchandize, or engage in any other business, or use its means for any other purpose than as expressly authorized by its charter.

Company not  
to deal in any  
other business

SEC. 7. The present subscribers to the capital stock shall be entitled to the benefit of their subscriptions, and to all payments made thereon; and the organization of the company shall be deemed to have been conformable to law. The change in the charter authorized by this act shall not release or affect any liability of the company now existing against it; and all the powers and rights conferred upon said company, shall be continued so far as they may be consistent with the provisions of this act.

Organization  
of company

SEC. 8. Said company shall not have power, if this amendment is adopted to the charter, to make or construct any railroad, turnpike, McAdamized, or other description of road, or to have or hold the right of way for any such road, or to engage in the business of transporting property or persons upon any road whatever.

Powers to  
make roads  
rescinded

SEC. 9. The directors shall provide for the speedy adjustment and payment of all losses arising under any policy made by the company, and for all unreasonable and vexatious delays in payments, the company shall be liable to pay damages not exceeding per cent. per annum, in addition to legal interest.

Losses shall  
be paid speedily

SEC. 10. Additional subscriptions to the capital stock of said company may be received hereafter upon the payment of one dollar upon each share subscribed, and the capital stock of said company may be increased two hundred thousand dollars.

Increase of  
capital stock

SEC. 11. The said company may proceed to business under this charter, whenever the sum of ten thousand dollars shall have been paid to their treasurer, including the stock already held in real estate.

SEC. 12. Said company shall keep regular books, and enter therein all their accounts and transactions; and the accounts of the company shall be balanced half yearly, and the profits growing out of its business shall be divided half yearly among the stockholders according to their rights, but dividends shall not be paid except of profits actually realized.

Records of  
company

Dividend

SEC. 13. It shall be lawful for stockholders to secure the payment of their stock to the company by mortgage upon real estate, and all such mortgages shall stand as security to creditors for moneys due from the company.

Payment of  
stock, how to  
be secured



**SEC. 14.** This act as well as all others amending the original charter of said company, shall become to all intents and purposes a part of the act of incorporation, upon being agreed to by the President and Directors of said Company; and an entry of such agreement upon the record kept of the actings and proceedings of said board, shall be sufficient evidence of the adoption of such amendments; and of the right of the company to act under the same.

**SEC. 15.** The President and Directors of the Pittsfield and Mississippi Railroad Company, incorporated by an act passed on the first of March, one thousand eight hundred and thirty-seven, are authorized to establish and keep in operation an insurance office in Pittsfield, and to use all of its stock and means in the business of insurance, and to become to all intents and purposes an insurance company, upon condition that said President and Directors agree that the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth sections of this act shall be adopted as an amendment to the charter of said company, except that said company shall not have any office in Jacksonville or Winchester.

**SEC. 17.** The fifteenth section of the original act incorporating the Winchester, Lynnville and Jacksonville Railroad Company, is hereby repealed.

**SEC. 18.** This act shall continue in force for twenty years from its passage, and no longer.

APPROVED, January 27, 1840.

IN FORCE JAN. 27, 1840. AN ACT to authorize J. A. Clark to build a bridge across the Pickatonica.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly;* That John A. Clark, his heirs and assigns, be, and they are hereby authorized to build and keep, for the term of twenty years, from the passage of this act, a toll bridge across the Picalonica river, in township No. twenty-seven north, of range No. eight east, at and opposite the town of Freeport, in Stephenson county, Illinois: *Provided,* said bridge shall not interfere with the navigation of said river.

**SEC. 2.** The said John A. Clark, his heirs or assigns, shall commence the building of said bridge, within one year, and complete said bridge within four years from and after the passage of this act: said bridge shall be built in a good and substantial manner, so as to give a safe and easy passage to all persons and their property, wishing to cross the same.

**SEC. 3.** After said bridge shall be complete, the said John A. Clark, his heirs or assigns, are hereby authorized to place a toll gate on either end of said bridge, or elsewhere, where he or they may demand of all and every person passing said

bridge, the following rates of toll, (to wit:) For each two Rates of toll  
 horse wagon drawn by two horses, or one yoke of oxen,  
 twenty-five cents; for each additional pair of horses or yoke  
 of oxen, twelve and a half cents; for each one-horse wagon  
 or carriage, eighteen and three-fourth cents; for each man  
 and horse, twelve and a half cents; for each head of hogs,  
 sheep, or goats, one cent; for each head of horses, cattle,  
 mules, or asses, three cents; and three cents for each footman.

SEC. 4. The said John A. Clark, his heirs, or assigns, shall  
 at all times after the completion of said bridge, keep the same  
 in good repair, and allow a speedy passage; and if at any time  
 the bridge be kept out of repair, so that the same be impass-  
 ible for the space of six months at any one time, the said  
 bridge shall accrue to the county of Stephenson: *Provided*,  
*however*, That the destruction of said bridge by fire, high  
 water, or other casualty, shall not work a forfeiture of the  
 privileges hereby granted; but said Clark, his heirs or assigns,  
 shall proceed immediately to repair the same.

SEC. 5. When the commissioners of the county of Stephen-  
 son deem it expedient to purchase said bridge, they shall have  
 the right to do so, by paying the said Clark, his heirs or as-  
 signs, the value of said bridge, in current money of the Uni-  
 ted States, which value shall be ascertained by the valuation  
 of three disinterested appraisers, to be appointed by said  
 court, who shall be sworn to a faithful and impartial discharge  
 of their duties, as such appraisers; or if the commissioners of  
 said county will proceed without delay and build a free bridge  
 at the place aforesaid, or if the people of said county, or any  
 number of them, will proceed without delay, and build a free  
 bridge across the Pickatonica river, at the place aforesaid, and  
 have the same completed within one year from and after the  
 passage of this act, they shall have the power to do so under  
 this act, and the said bridge, when so completed, shall be  
 and remain open and free for all persons, and their property  
 wishing to cross the same, and shall be and remain a free  
 bridge to all intents and purposes: *Provided*, That if the said  
 free bridge when so completed, shall remain out of repair for  
 six months at any one time, the privileges hereinbefore grant-  
 ed to John A. Clark shall be revived, and he may proceed to  
 the erection of the toll bridge aforesaid, the same as if no  
 bridge had been erected by the commissioners, or the peo-  
 ple aforesaid: *Provided, further*, that casualties, or high water,  
 or otherwise, shall not work a forfeiture to the people of said  
 county, or commissioners hereinbefore offered to them, but  
 they may proceed immediately to repair the same.

SEC. 6. If any person or persons, shall wilfully do, or cause  
 to be done, any injury to said bridge, the person or persons  
 so offending, shall forfeit and pay the said John A. Clark, his  
 heirs or assigns, double the amount of such injury or damage,  
 to be recovered before any justice of [the] peace having juris-  
 diction of the same.



Bridge deem-  
ed public  
highway

SEC. 7. The said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing, or destroying public bridges in any manner, or by any means whatever.

APPROVED, January 27, 1840.

In force, Jan. 27, 1840. AN ACT to authorize the Auditor to enter a credit upon a judgment against Robert Davis.

Preamble

WHEREAS Robert Davis, of the county of Pike, did at the December term, one thousand eight hundred and thirty-eight, of the Supreme Court, as one of the securities of James Davis, late clerk of the county commissioners' court, of said county of Pike, confess judgment, in favor of the State of Illinois, for the sum of two thousand four hundred and eighty dollars; and whereas the Legislature at its last session made an appropriation to the county of Scott, of two thousand dollars, to be expended in making improvements upon the State road, between Winchester and Florence; and whereas one thousand dollars of said appropriation is yet due and unpaid, from the State to the said county of Scott; and whereas the said Robert Davis, for the purpose of enabling him to meet his aforesaid liability to the State, took a contract from the county of Scott, upon the road aforesaid, and has performed work thereon to the amount of one thousand seven hundred and sixty-three dollars; and whereas the said Robert Davis has an order from the county commissioners' court of Scott county, for the one thousand dollars now due from the State upon the appropriation aforesaid; and whereas, the said Robert Davis, is anxious to apply said one thousand dollars as a credit upon the judgment aforesaid: Now therefore,

Duty of Auditor

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts, is hereby authorized and required, upon the said Robert Davis delivering to him an order from the county commissioners' court of Scott county, upon the Fund Commissioners of this State, for the sum of one thousand dollars, to enter a credit of one thousand dollars upon a judgment rendered against said Robert Davis, in favor of the state of Illinois, at the December term, one thousand eight hundred and thirty-eight, of the Supreme Court, for the sum of two thousand four hundred and eighty dollars; and when such credit is so entered upon said judgment, all claim which the county of Scott now has upon the State for the appropriation of two thousand dollars, made to said county, at the last session of the General Assembly, shall cease, and the one thousand dollars of said appropriation, which now remains unpaid, instead of being paid to the said county of Scott, shall be paid into the Treasury of this State.

When credit  
is entered all  
claim of Scott  
co'y to cease

APPROVED, January 27, 1840.



AN ACT attaching a portion of Tazewell county to Logan county.

In force, Jan. 27, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that portion of Tazewell county, embraced in the following limits, viz: Beginning at the south east corner of Township No. twenty-one north, range No. two west, of the third principal meridian, thence north seven miles, to the north east corner of section thirty-six, township twenty-two, thence west, along the section lines, eighteen miles to the north west corner of section thirty-one on the range line, between ranges four and five, township twenty-two north, thence south seven miles, to the corner of Logan county, thence east, along said county line, to the place of beginning, is hereby added to, and hereafter shall be a part of the county of Logan.

Part of Tazewell co. attached to Logan county

SEC. 2. That hereafter, at all general or special elections, the portion of Tazewell county so added shall vote with the county of Logan.

Parts set off to vote with Logan county

APPROVED, January 27, 1840.

AN ACT to change the name of the "Kaskaskia Insurance Company."

In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "Kaskaskia Insurance Company," incorporated by an act, entitled "An act to incorporate the Kaskaskia Insurance Company;" approved March 1. 1839, shall hereafter be known by the name and style of the "Insurance and Trust company of Illinois," and by that name and style, shall have all the powers, privileges, and advantages granted to the aforesaid Kaskaskia Insurance Company by the act aforesaid.

Name and style

APPROVED, January 31, 1840.

AN ACT to change a part of the State road leading from Griggsville to Quincy.

In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the State road from Griggsville, laying between Henry Brown's and the Adams county line, be vacated, and hereafter, that part of said road shall be located on the ground now travelled, and the now travelled road between the said points, as well as from the point where said road intersects the county line, till it intersects the road as lately laid out, shall be part of said road, and be kept in repair as required by law.

Part of road vacated  
Relocation

APPROVED, January 31, 1840.

In force, Jan. 31, 1840. AN ACT to amend an act entitled "An act to provide for the dedication of lots in the towns situate on canal lands to public purposes." Approved, February 28th, 1839.

Preamble

WHEREAS some of the congregations and religious societies in towns laid off by the Board of Commissioners of the Illinois and Michigan Canal, have erected churches on lots in such towns, parts of which are held by individuals, and the act entitled "An act to provide for the dedication of lots in towns situated on canal lands, to public purposes," approved February 28th, 1839, does not authorize said Canal Commissioners to divide such lots, and donate to such religious societies and congregations a part of such lots; therefore,

Com'rs of canal to give lots to religious societies when so requested

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Board of Commissioners of the Illinois and Michigan Canal be, and they are hereby authorized under the act to which this is an amendment, to donate and give to religious societies and congregations when they may request it, a part of any lot, in lieu of the whole, which by said act they are authorized so to donate, to hold, use and occupy the same for the purposes and on the conditions in said act mentioned.

Title to lots

SEC. 2. That when any person shall have been the purchaser from the State or the assignee of any such purchaser of any portion of any such lot, another part of which is claimed by any religious society or congregation under the act to which this is an amendment, the said Commissioners shall give to such purchasers, his or her assigns, a certificate of purchase for such portion of such lot, held by him or them, upon his or their compliance, with the terms of an act entitled "An act for the relief of purchasers of canal lots and lands," approved March 2, 1839, at a price which such part of said lot shall bear in value to the amount due the State on the whole of such lots.

APPROVED, January 31, 1840.

In force, Jan. 31, 1840.

AN ACT concerning attachments.

Officer may pursue defendant to any county in the State

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter when any attachment shall be placed in the hands of any sheriff or other officer, and the defendant shall be in the act of absconding with his goods, and effects, it shall be lawful for such officer to pursue the said defendant into any county of this State, and to levy upon and take the goods and chattels of said defendant back to the county from which said attachment issued, any law to the contrary notwithstanding.

APPROVED, January 31, 1840.



AN ACT to amend "An act concerning attachments," approved, February 12th, 1833. In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly;* That all the provisions of the act entitled "An act concerning attachments," shall extend to one or more joint debtors, so that in all cases, when two or more persons are jointly indebted, either as joint obligors, partners, or otherwise, and an affidavit shall be made in pursuance of the provisions of the said act, so as to bring one or more of such joint debtors within the provisions of the same, and amenable to the process of attachment, then the writ of attachment shall issue against the property and effects of such joint debtors, so amenable as aforesaid, and shall direct the sheriff to summons all of the said joint debtors to answer to said action. How far attachment law shall extend.

SEC. 2. The court out of which such writ shall be issued, shall proceed in relation to such joint debtors, and so much of their lands, rights, credits, money and effects, as may be attached in the same manner as pointed out in the act to which this is amendatory.

APPROVED, January 31, 1840.

AN ACT to incorporate the Middlesex Steam Mill Company. In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General assembly,* That Seth Washburn, Mathias Mason, Robert Easton, and such other persons as shall become subscribers to the stock hereinafter mentioned, shall be and they are hereby constituted a body politic and corporate by the name and style of the Middlesex Steam Mill Company, from and after the passage of this act; and by that name, they and their successors shall, and may have succession for the term of thirty years from and after the passage of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, in all courts, and places whatsoever; and they and their successors may have a common seal, and they shall, in law, be capable of purchasing and holding real estate for the purposes and objects of said corporation: *Provided*, That the personal property of each stockholder be bound for the contracts of such corporation. Body politic and corporate  
Term of charter  
Powers  
Proviso

SEC. 2. That the capital stock of said corporation shall be six thousand dollars, with power in the company to increase said stock to fifteen thousand dollars, if they shall deem it necessary; that said capital stock shall be divided into shares of twenty-five dollars each, and that the above named corporation have power to open, and keep open, books for subscription to said stock. Capital stock \$6,000, may be increased to \$15,000

SEC. 3. That the said company are hereby empowered to erect and conduct a grist mill and such other machinery to

be propelled by steam, as they may deem necessary, and that they have power to make by-laws, and such other regulations for managing said affairs as are just and necessary: *Provided*, said mill and machinery be erected at or near Half-day post office, in Lake county.

Time to build  
mill, &c.

SEC. 4. That the above named corporators be allowed two years from and after the passage of this act, to construct and erect said mill and machinery, and if said mill be not in operation within said time, this act shall be void and of no effect.

APPROVED, January 31, 1840.

In force, Jan.  
31, 1840.

AN ACT to incorporate Georgetown in the county of Randolph.

Inhabitants  
may become  
incorporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants of the town of Georgetown in the county of Randolph, be, and they are hereby authorized, and empowered, to become incorporated in the manner and upon the terms prescribed in the act, entitled An act to incorporate such towns as may wish to be incorporated, approved February 12, 1831; notwithstanding, there may not be one hundred and fifty inhabitants in said town; and upon complying with the provisions of the act aforesaid, the inhabitants of said town, and the President and Trustees thereof, when elected, shall have, exercise, [and] enjoy all the rights, privileges, and powers granted and conferred by the act above recited.

APPROVED, January 31, 1840.

In force, Jan.  
31, 1840.

AN ACT to vacate the town plat of the town of Washington.

Plat may be  
vacated  
Proviso

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Thomas S. Garvin and Robert McClellan, proprietors of the town of Washington, lying in the county of Fulton, and situated on the west half of section twenty-four, in township three north of range one east, of the fourth principal meridian, be, and they are hereby authorized to vacate the survey and plat of said town of Washington: *Provided*, said Thoms S. Garvin and Robert McClelland, the proprietors of said town, shall first in writing, duly signed, sealed, and recorded, in the Recorder's office of said county, signify their consent thereto: *And provided also*, That vacating the survey and plat of said town, shall not interfere with the vested rights of any person or persons, who may have purchased lots in said town, of the proprietors or others.

APPROVED, January 31, 1840.



AN ACT [supplemental to an act] to incorporate the town of Bloomington. In force, Jan. 31, 1840.

WHEREAS, by an act of the General Assembly, of the State Preamble of Illinois, approved March 2, 1839, entitled "An act to incorporate the town of Bloomington," it is provided that said town be incorporated, as a body corporate and politic, in the manner therein provided: *And whereas*, by the neglect of the citizens of said town, to avail themselves of the provisions of said act, in becoming so incorporated, said act has become null and void: Now therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That said act be, and is hereby revived, and continued in full force and operation, Act revived any provision of the same to the contrary notwithstanding.

SEC. 2. *Be it further enacted*, That at any time hereafter, it shall be competent for any number of freeholders of said town, not less than ten, to post up notices of an election, giving at least ten days previous notice, to vote for or against incorporating said town, under the provisions of said act, and if it shall appear that a majority of the qualified voters are in favor of the same, it shall be incorporated immediately thereafter by the election of officers, as therein provided; any thing in said act concerning the mode of incorporating, to the contrary notwithstanding: *Provided, however*, That any failure or failures so to incorporate, shall not work a forfeiture of said act, or prevent further or repeated efforts by election, to incorporate said town. Notice of election

SEC. 3. This act to be in force from and after its passage.

APPROVED, January 31, 1840. Proviso.

AN ACT to amend an act entitled "An act to incorporate the Union Agricultural Society." In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section No. five, of the act of incorporation of the Union Agricultural Society, be annulled, and the following be inserted as the fifth section, to wit: Sec. 5 of act annulled

"Said Commissioners, or a majority of them, may open books for subscriptions to said capital stock at such times and places as they may think best, by advertising the same at least fourteen days previous in two or more of the newspapers published in said counties, and may close the same at pleasure, and may appoint committees to receive subscriptions, and abrogate the same, or any of them, at pleasure: and any subscriptions that have been or may be made under the direction of the commissioners, or the committees by them appointed, or to be appointed, are hereby legalized and made valid." Substitute

SEC. 2. That section No. seven of said act be also annulled, and the following inserted as the seventh section, to wit: Sec. 7 annul-

Sec. inserted in lieu. "If the subscriptions to the capital stock shall exceed ten thousand dollars, the commissioners may apportion the same among the subscribers thereto, or increase the capital stock from time to time, to any amount less than thirty thousand dollars."

Sec. 8 set aside. SEC. 3. That section No. eight of said act be also annulled, and the following inserted as the eighth section, to wit:

What in place of. "Said commissioners shall continue in office during the pleasure of the trustees, and when removed, the powers vested in them shall vest in and may be executed by the trustees."

Sec. 11 made void. SEC. 4. That the words "which election shall be annually" at the end of the ninth section, and all of section No. eleven, be also annulled, and the following be inserted as the eleventh section, to wit:

Sec. in place of. "The trustees hereafter shall be elected at such times as may be provided in the by-laws, and shall hold their offices until others are elected in their places, and notice of the time and place of holding such election, shall be given by the Secretary, by advertising the same at least fourteen days previous, in two or more of the newspapers published in said counties."

Insertion in 15th sec. SEC. 5. That after the words "a treasurer," in the fifteenth section of said act, the following be inserted to wit: (of whom they may require bonds in a sum sufficient to insure the faithful discharge of his duties;") and at the end of the same section, the following be added, to wit: "They may also establish

Words added. or connect with this society branches or auxiliary societies, of like characters, in the counties of La Salle, Will, Cook, McHenry and Kane.

Privileges and benefits of act, how secured. SEC. 6. That if this society shall be organized within one year from the passage of this act the privileges and benefits of the original act of incorporation, and of this amendment, shall be, and are hereby secured to it.

Term of charter. SEC. 7. The society incorporated by the act to which this is an amendment, shall exist as a corporate body no longer than the period of twenty years from the passage of this act.

APPROVED, January 31, 1840.

In force, Jan. 31, 1840. AN ACT providing for the binding of the Laws and Journals.

Aud'r, Sec'y and Treasurer shall contract for public binding. SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter, until the Legislature shall otherwise direct, that the Auditor of Public Accounts, Secretary of State, and State Treasurer are hereby required to contract with a Book Binder or Binders, on or before the first of September, before the meeting of each Legislature. And it shall be the duty of said Binder or Binders, to



bind all acts or laws that may be passed, or ordered to be bound: and to fold, stitch, cover with blue paper, and cut the edges of all Journals that may be published; and the said Binder or Binders shall receive for their services the following prices, (viz:) for binding laws, leather backs and paper sides, when the number of pages does not exceed one hundred and fifty, at the rate of twenty cents per hundred pages, that each volume may contain: acts or laws, over one hundred and fifty pages, at the rate of fifteen cents per hundred pages each volume contains: and in case of a revision of the laws, the said Binder or Binders are to furnish leather and full bind, with leather covering (law form,) in a substantial, workman-like manner, all such laws as may be ordered to be bound, for which there shall be added fifteen cents over the price of the half binding for each and every volume so full bound: and for doing up the Journals as above specified, there shall be allowed at the rate of six cents for every one hundred pages each volume may contain.

Style of binding  
Prices for  
When additional price may be paid

SEC. 2. It shall be the duty of the Public Printer or Printers to deliver to the Public Binder or Binders each form of the Laws and Journals, dry and in good order, as fast as they are printed; and after the last form of the laws is so printed and delivered, the said Binder or Binders shall bind and deliver to the Secretary of State one thousand copies of the laws in fifteen days, and at the rate of one thousand copies every twelve days afterwards, (Sundays excepted). Also, after the last form of the Journals are delivered to said Binder or Binders, they shall do them up as above specified, and deliver at the rate of one thousand copies every ten days, (Sundays excepted.)

Duty of Public Printer  
Time of delivery of books bound  
Exception.

SEC. 3. It shall be the duty of the Public Binder or Binders, to give bond with sufficient security, to be approved of by the Governor, in the penal sum of one thousand dollars for the faithful performance of his or their contract, agreeable to this act. And a failure on the part of the public Binder or Binders shall subject him or them to a forfeiture of six per cent. per week on the whole amount of their contract.

Binders to give bond and security  
Forfeiture of 6 per cent.

SEC. 4. That on the fulfilment of the contract for binding the Laws, as also on the fulfilment of the contract for doing up the Journals, the Secretary of State shall certify the fact to the Auditor, who shall issue his warrant on the Treasurer, for the sum due such Binder or Binders; which sum shall be paid out of any money not otherwise appropriated. All acts and parts of acts heretofore passed upon the subject of Public binding, be, and the same is hereby repealed. This act shall take effect from and after its passage; but is in no wise to interfere with the binding of the present session.

Duty of Secretary & Auditor  
Acts repealed

APPROVED, January 31, 1840.



In force, Jan.  
31, 1840.

AN ACT to incorporate the towns therein named.

McLeansboro

Fairfield

Scottsville

Mackinaw

Proviso.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of McLeansboro' in Hamilton county, the inhabitants of the town of Fairfield, in Wayne county, the inhabitants of the town of Scottsville, in Macoupin county, and the inhabitants of the town of Mackinaw, in Tazewell county, be, and they are hereby authorized to become incorporated, under the general incorporation law, notwithstanding said towns may not contain one hundred and fifty inhabitants: *Provided,* said corporators are not compelled to work the public highways more than one half mile from the centre of said corporation.

SEC. 2. This act to be in force from and after its passage.

APPROVED, January 31, 1840.

In force, Feb.  
1, 1840.

AN ACT to amend the law in relation to change of Venue.

Appeals, when  
taken

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever any appeal shall be depending in any of the circuit courts of this State from any assessment of damages for land or other property taken under the authority of any law of this State for the use of any rail road, canal, turnpike or any other highway, or for any purpose whatever, it shall and may be lawful for the people, or county, or other corporation, or person for whose use such land or other property is to be taken, or the person conducting the appeal in their behalf, or for the claimant or claimants, or his, her, or their agents, or attorney at law, or attorney in fact to file, his, her, or their affidavit in writing, stating that he, she, or they verily believe that a fair and impartial trial of said appeal cannot be had in the court where said appeal is depending; on account that either the Judge of the court, or the People of the county, are interested or prejudiced against the cause of the party on whose behalf said application is made, or in favor of the cause of the other party, or for or against the parties as aforesaid.

Change of venue

SEC. 2. On filing such affidavit it shall be the duty of the court to change the venue of said cause to some convenient county to which objections shall not be made by similar affidavit. And said appeal shall be docketed and tried in the court to which the venue thereof is changed, in the same manner as if it had been originally instituted there.

When objection is made to appeals  
Proviso.

SEC. 3. That if any objection shall be taken to any such appeal on account of any defect in the appeal bond, such objection shall not be sustained: *Provided,* the appellant, his, her, or their agent or attorney shall enter into, and acknowledge such bond, with sufficient security as may be approved by said court.

APPROVED, February 1, 1840.

AN ACT to incorporate Shiloh College.

In force, Jan. 8th, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Gillespie, James Bradley, John Moore, Benjamin F. Bradley, John Barrow, William Pike, Richard Bradley, Arthur Cross, William Bradley, and John B. Burke be, and they are hereby created, a body corporate and politic, by the name and style of the "President and Trustees of Shiloh College;" and by that name and style to have perpetual succession: the said institution being designed to promote the cause of education and improvement in literature; and to be located in the county of Randolph.

Body corporate.

Name and style.

Object.

Location.

SEC. 2. The corporation hereby created shall have power to make and execute all necessary contracts for the promotion of the cause of education, and improvement of literature in said institution; and to purchase and hold such personal property as may be needful in advancing the ends of its creation; and may purchase and hold, for the use thereof, any quantity of land not exceeding eighty acres. The said corporation may sue and be sued in its corporate name; plead and be impleaded; may have a common seal, and make by-laws for its regulation, not inconsistent with the constitution and laws of the United States or of this State.

Powers.

May hold land.

Common seal

By-laws

SEC. 3. A majority of the trustees shall form a quorum to do business; and shall have authority to elect a President and such other officers as may be necessary to prescribe the course of studies to be pursued; to fix the rate of tuition; to appoint a preceptor and such officers and assistants as they may consider the interest of the institution requires.

Quorum

President and other officers

SEC. 4. A majority of the board of trustees may fill any vacancy which may occur in the board, from death, removal, resignation, or otherwise.

Vacancies how filled

SEC. 5. The said institution shall be open to all religious denominations; and the profession of no particular religious faith, shall be required either of officers or pupils.

To be open to all

APPROVED, January 8, 1840.

AN ACT to change the name of the town of Columbus, in the county of Randolph.

In force 8th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Columbus, in Randolph county, be, and the same is hereby changed to that of Sparta.

Name of Columbus changed to Sparta.

APPROVED, January 8, 1840.

In force, 8th AN ACT to authorize the county court of Lawrence county, to build a  
Jan. 1840. bridge across the Embarrass River.

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Lawrence county be, and they are hereby, authorized to cause to be erected a bridge across the Embarrass River, at the town of Lawrenceville, on a direct line with either of the two streets that run north from the public square in said town. Said commissioners shall agree upon a plan of said bridge, and cause the same to be recorded; they shall cause a correct description, in writing, of the plan of said bridge, to be posted up in the Clerk's office of said county, at least twenty days previous to letting any contract for the erection of said bridge; and shall cause written notices to be put up in at least six of the most public places in the county, for a period of not less than one month before entering into any contract for the materials or erection of said bridge, stating therein, that they will let to the lowest responsible bidder, at the court house in said town, on a day to be agreed upon by them, contracts for the delivery of the necessary materials, also, contracts for the masonry and carpenters' work of said bridge: *Provided,* That, in making contracts, said commissioners shall take a bond, payable to the county of Lawrence, with security, to be approved of by them, for the faithful performance of such contracts, by the person or persons who may undertake the same, and within such time as shall be agreed upon: *And provided, further,* That, in no case, shall the commissioners make any payment to any person engaged in the said work, which shall exceed two-thirds of the value of work then performed, until the contract shall be completed, and received by the commissioners.

**SEC. 2.** The said building, when erected, as aforesaid, shall be, and forever remain, a public bridge, free to the passage of all persons, and their property, at all times, and without any charge whatever; and the county commissioners' court of Lawrence county shall cause the same to be kept in good repair, to afford a safe passage to all persons and their property.

**SEC. 3.** Nothing in this act shall be so construed, as to authorize the said commissioners to obstruct the navigation of said river, with either flat or keel boats.

APPROVED, January 8, 1840.

In force, 8th  
Jan. 1840.

AN ACT to amend "an act to establish the county of Hardin, approved 2d March, 1839."

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the territory of Pope county, as it stood previous to the passage of the law to which this is an amendment, which is comprised

Boundaries  
of the county  
of Hardin.



within the following limits, shall constitute the county of Hardin, that is to say: beginning on the Ohio river, at the point where a line, dividing sections thirty-four and thirty-five, in township twelve, south of range seven east, running south, would strike the Ohio river; thence, due north with the sectional line to the Gallatin county line; thence, east two miles; and thence, southeast along the line dividing Pope and Gallatin counties to the Ohio river; thence, with the Ohio river, to the place of beginning.

SEC. 2. The said county of Hardin shall have jurisdiction of all the territory included within the said limits, as well as all jurisdiction which, of right, belongs to the State of Illinois, upon so much of the Ohio river as forms the river boundary of said county of Hardin. Jurisdiction of county.

SEC. 3. That it shall be the duty of the county commissioners of the county of Pope, to pay over to the county commissioners' court of Hardin county, a fair proportion of the money received by said county of Pope, from the State under the Internal Improvement law; also, a fair proportion of the school fund, according to the population of Pope and Hardin counties, in the year one thousand eight hundred and forty, to be ascertained by the census of that year. Duty of com'rs of Pope county.  
Proportion of Internal Improvement money.  
School fund.

SEC. 4. That immediately after the passage of this act, the oldest justice of the peace, within the limits of the county of Hardin, shall order an election to be held in the several places of holding elections in said county, for a sheriff, coroner, and three county commissioners, and a commissioners' clerk, and all other county officers elective by the people, for said county of Hardin; whose powers and duties shall be the same as other sheriffs, coroners, and county commissioners of other counties. The notice for the elections aforesaid, shall be given three weeks before the time of holding it, by posting up, at three of the most public places in said county of Hardin, a notice thereof; and it shall be the duty of said justice giving the notice aforesaid, to receive the polls, count the votes, and declare who shall have been elected sheriff, coroner, and county commissioners of said county of Hardin. Election to be ordered by oldest Justice of Peace for co. officers.  
Notice for election.

SEC. 5. Said sheriff, coroner, and county commissioners, so elected, shall continue in office until the next general election. Term of offices.

SEC. 6. It shall be the duty of the county commissioners first to be elected, to appoint a day for an election, to be held at the several places of holding elections within the limits of said county of Hardin, for the purpose of choosing the permanent seat of justice of said county; and if no one place shall have received a majority of all the votes given, then it shall be lawful for the legal voters to meet at the place or places of holding elections, in ten days thereafter, and then and there select and vote for one of the two places only, heretofore voted for, having the two highest number of all the votes where the county seat shall be located; and that Duty of commissioners  
Election for Seat of Justice

place, having a majority of all the votes given, shall be the permanent seat of justice for said county of Hardin.

**Appropriation for public improvements** **SEC. 7.** The county commissioners of Hardin county are hereby authorized to appropriate, for public improvements, the amount of money which said county is to receive from the county commissioners of Pope county under the Internal improvement law, as provided in the third section of this act.

**County attached to 3d Jud. circuit.** **SEC. 8.** The said county of Hardin shall belong to the third judicial circuit; and the times of holding the circuit courts of said county, shall be as follows, to wit: on the Thursdays before the second Mondays in March, and the fourth Mondays in August: *Provided*, That no term of the circuit court of said county of Hardin shall be held until the fall term of said court, as herein provided; that all suits now pending in the Pope circuit court, in which citizens of Hardin county are concerned, or to be commenced, by or against citizens of Hardin county, prior to the next March term of the Pope circuit court, shall be tried in said Pope circuit court; and that the said circuit court of Pope county have full and complete jurisdiction of all matters, whether civil or criminal, which pertain to the said county of Hardin, as it had prior to the passage of an act, entitled "An act establishing the county of Hardin," approved March 2, 1839," to which this [is] an amendment, until after the March term, next ensuing, of the said Pope circuit court.

**Laws repealed** **SEC. 9.** All laws, or parts of laws, coming within the provisions of this act, are hereby repealed.

**APPROVED, January 8, 1840.**

**In force, 8th Jan. 1840.** **AN ACT** supplemental to "An act to authorize the county commissioners to construct certain roads in Greene county."

**Duties required of commissioners of Green county to be performed by comrs of Jersey county** **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the duties that are required and directed to be done by the county commissioners of Greene county, under "An act authorizing the county commissioners' court to construct certain roads in Greene county, approved March 2d, 1839," if the county of Jersey had not been created, is hereby authorized and required to be done by the county commissioners of Jersey county, in regard to the road from Jerseyville to the river in said county; said county commissioners are hereby authorized and required to expend the same amount of money, and in the same way that the county commissioners of Greene county would have done, if the county of Jersey had not have been created.

**Money here expended**

This act to be in force from and after its passage.

**APPROVED, January 8, 1840.**



AN ACT authorising an additional Justice of the Peace in the La Harpe District, in Hancock county. In force, 8th Jan. 1840

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That one justice of the peace in addition to the one now allowed by law, shall be elected in the La Harpe district. in the county of Hancock, which Justice so elected shall reside in the town of La Harpe, in said district. Additional Justice for the town of La Harpe

SEC. 2. The county commissioners' court of Hancock county are hereby required, to cause an election to be held on the first Monday of April next, or as soon thereafter as practicable, and at each quadrennial election thereafter, for one justice of the peace in said district in addition to those now allowed by law. Time of election

The justice of the peace so elected, shall hold his office until the next general election for justices of the peace, and until his successor shall be elected and qualified as in other cases; and the Justice so elected, shall have the same jurisdiction, and be governed in all respects by the same regulations as other justices of the peace. Term of office  
Jurisdiction of Justice

APPROVED, January 8, 1840.

AN ACT to incorporate the Clinton Steam Mill Company.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Bond, James Wightman, James Thompson and Benjamin Bond, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Clinton Steam Mill Company," for the more convenient owning and conducting a Steam Saw and Grist Mill, to be propelled by one or more steam engines, in the county of Clinton, and the transaction of all the usual business of companies engaged in the manufacture of flour, meal and lumber, and the transportation and vending the same; and the said corporation, by the said name, is declared, and hereby made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws, for the regulation and management of the said corporation, consistent with the laws of this State; and generally to do and execute whatever by-law shall appertain to such bodies politic: *Provided,* That nothing herein contained, shall be considered as conferring on the said corporation any banking privileges, but they shall be exclusively confined to the operations necessary for carrying on the business consequent upon the running and conducting of steam mills. In force, 8th Jan. 1840.  
Body corporate  
Name and style  
Powers  
Proviso

SEC. 2. The said corporation shall have the right to hold, possess and enjoy, any quantity of land, not exceeding six hundred acres, to be held



dred and forty acres, and the whole amount of capital stock shall not exceed in value thirty thousand dollars, and shall be divided into one hundred shares of three hundred dollars each; which capital shall be employed in purchasing and holding the lands aforesaid, and in procuring, constructing, employing and using buildings, machinery, teams, tools and utensils, and all things necessary and proper for the manufacturing of meal, flour, and lumber, and transportation and sale of the same; and the purchase of corn, wheat, timber and other materials for the successful prosecution of the object of the company; every member of the company shall have a certificate, under the seal of the corporation, and made and altered in such manner and form as the by-laws shall prescribe, certifying his property in the share or shares owned by him, and the stock of said company shall in the nature of personal property, be assignable and transferable, according to such rules as the board of directors shall establish, and no stockholder indebted to the company, shall be permitted to make a transfer or receive a dividend, until such debt is discharged, or security given for the same to the satisfaction of the directors.

Capital stock,  
how employed

Stock trans-  
ferable

Stock not  
to be transfer-  
red till debts  
are paid

Directors,  
how chosen

Notice of  
election

How each  
share may  
vote

Quorum to  
do business

President

Annual elec-  
tion

Secretary and  
Treasurer, &  
other officers

SEC. 3. For the managing of the affairs of the said corporation, there shall be chosen from among the stockholders, four directors, who shall hold their office for one year, or until superseded by others, ten days previous notice shall be given, by putting up written notices in five of the most public places in the county of Clinton, (or by publishing in a public newspaper whenever there shall be one published in the county of Clinton,) of the first election for directors under this act, and there shall be annually thereafter, a like election for directors, in the town of Carlyle. In all such elections for directors, each proprietor of a share in the capital stock shall be entitled to one vote for each and every share held and owned by him, which vote shall be given, either by himself in person, or by his proxy duly authorized under seal, and a majority of the shares shall be necessary to a choice of directors, or the transaction of any business which may concern the company and come before the stock holders.

SEC. 4. A majority of the directors shall form a quorum to transact business, and they shall meet within thirty days from the time they shall have been chosen at Carlyle, and choose by ballot one of their number for President, who shall serve for one year, or until superseded by a new election; and there shall be annually thereafter, a like election in the town of Carlyle, by the said directors for the time being of a President for the said corporation.

The said directors shall also have power to choose and appoint a secretary and treasurer, and such other officers and agents to conduct and prosecute the business of the said corporation as they shall deem necessary and proper, and prescribe their duties from time to time in such way as said directors may think best.

The said directors shall cause to be kept, duly recorded in books to be provided and kept for the purpose, minutes of all their proceedings, and regular accounts of all their transactions; as also minutes of the proceedings of the stockholders at each of their meetings, which book may at any time be inspected by any of the stockholders. The said directors shall have power for good cause, to be spread at large, together with the proof in support thereof upon the minutes aforesaid, to remove the President from office; they shall have power also to supply any vacancy which may occur in the office of President, or in their own body, and the president or directors thus chosen, shall hold his office until the next succeeding regular annual election for such office.

Minutes of  
proceedings  
to be kept

Officers may  
be removed

SEC. 5. The directors may from time to time, at any meeting, assess and require payment of such sum of money not exceeding twenty per cent. upon each share of the capital stock, as shall be judged by them necessary for the purposes of the corporation, to be paid into the hands of the treasurer; and if after publication of notice in a newspaper, once a week for two months, or by posting up written notices for the space of two months by the secretary of the board of the time of payment of any proportion or instalment of said capital stock, in five of the most public places in the county of Clinton, if there be no newspaper published in said county. Any stockholder failing to pay his instalment, at the time specified in such notice, the amount paid by such delinquent stockholder previously, shall be forfeited to the company, and his stock may be sold to any person for such price, as may be agreed upon between said company and the purchaser.

Payment of  
instalments

Failure to  
pay instal-  
ments, shall  
forfeit previ-  
ous payments

Stock may  
be sold

SEC. 6. Dividends of the nett profits of the said company shall be made at such time as shall be determined by the stockholders in general meeting, which dividend shall be paid to the person entitled to the same, on demand made, ten days after making and declaring such dividend. The declaring and amount of said dividend shall be published once or more in a newspaper, should there be any printed in the county of Clinton, and should there be no newspaper printed as aforesaid, then for four weeks successively, by keeping up printed notices in five of the most public places in the county.

Dividends  
how made

Declaration  
of dividends  
to be pub-  
lished

SEC. 7. The Treasurer of the Company within thirty days after his appointment shall enter into bonds for the faithful discharge of his duties, in such amount as shall be designated by the Board of Directors, and with such securities as said Board may approve; and all monies accruing to the company and falling into the hands of said Treasurer, shall be by him safely kept and disbursed for the uses of said company as already provided for, and in accordance with the by-laws of said company, not conflicting with any of the provisions of this act.

Treasurer to  
give bonds

SEC. 8. The stock of said company shall be deemed personal estate, and pass as such to the legal representatives of



Proviso

Real estate  
may be sold

Proviso

Term of  
charter

each stockholder; *Provided*, That the real estate which may be held by said corporation shall be sold and conveyed when they may think proper so to dispose of it, according to the forms and in the manner prescribed by law for conveying real estate, the President of the company making the acknowledgment on behalf of the corporation: *Provided*, also, that the whole amount of real estate purchased by said corporation during its corporate existence shall not exceed six hundred and forty acres.

SEC. 9. Said corporation shall continue, and by the name and style of the "Clinton Steam Mill Company" shall have succession for and during the period of twenty years and no longer.

APPROVED, January 8, 1840.

In force, 8th  
Jan. 1840.

AN ACT to vacate the town plat of Shepherdstown.

Condition on  
which plat of  
town is vacated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of the town plat of Shepherdstown, as lies within the county of Vermilion, State of Illinois, shall be, and the same is hereby declared vacated, upon the proprietor of said town making and filing with the clerk of the County Commissioners' Court, of said county of Vermilion, under oath, a statement in writing, setting forth that he is the sole proprietor and owner of all the lots embraced within the limits of said town.

APPROVED, January 8, 1840.

In force, 8th  
Jan. 1840.

AN ACT to attach the county of Lee to the sixth Judicial District.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the county of Lee, be, and the same is hereby attached to the Sixth Judicial Circuit. This act to be in force from and after its passage.

APPROVED, January 15, 1840.

In force, 15th  
Jan. 1840.

AN ACT to change the name of the town of Worcester, in Pike county, to that of Barry.

Name of town  
changed to  
Barry

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the town of Worcester, in Pike county, be, and the same is hereby changed to that of Barry.

APPROVED, January 15th, 1840.



AN ACT to vacate the plat of the town of Cottage Grove, in the county of Cook. In force, January 15th, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the survey and Plat vacated plat of the town of Cottage Grove, in the county of Cook, be, and the same is, hereby vacated: *Provided,* the assent of Proviso the owners of any lots in said town, shall first be obtained, which assent shall be made in writing, and recorded in the recorder's office of Cook county. This act to take effect, force from and after its passage.

APPROVED, January 15, 1840.

AN ACT to legalize the assessment of taxes in the county of De Kalb, for the year 1839. In force, January 15th, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment of Tax assessed taxes in the county of De Kalb, shall be as valid to all intents in De Kalb and purposes, as if it had been made as required by an act galized for 1839 le- concerning the Public Revenue, approved Feb. 26, 1839.

APPROVED, Jan. 15, 1840.

AN ACT to authorrize Benjamin W. Pope and William Gasoway to build a mill-dam. In force, 18th Jan. 1840

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin W. Pope and William Gasoway be, and they are hereby au- Mill dam, thorised to raise and continue a mill dam across Big Muddy, where built on section, number twenty, township number seven, range number two east of the third principal meridian, in the county of Franklin, to the height of ten feet: *Provided,* The Proviso said Benjamin W. Pope and William Gassoway own the land on which the same is to be raised; and, *Provided,* That Further pro- the raising of said dam does not interfere with any mill dam viso formerly built across said river; however, upon the follow- ing conditions, to wit, That the State in no event, shall be bound to pay any damages for removing said dam, and other obstructions, shall it hereafter be necessary, for the purposes of improving the navigation of said river. Conditions

APPROVED, January 18th, 1840.

In force, 18th  
Jan. 1840.

AN ACT to compensate certain witnesses.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be allowed to each witness, summoned by the House of Representatives at this session of the General Assembly, the sum of two dollars for each day such witness was compelled to attend, and two dollars for every twenty miles necessary travel, to, and from the Seat of Government. And the Auditor shall issue warrants in favor of each individual, the number of days and miles being sworn to, before any qualified person, by the individual presenting such claim, or proved by any credible witness: *Provided,* That witnesses, summoned while at the Seat of Government, shall not be allowed mileage.

This act to be in force from and after its passage.

APPROVED, January 18th, 1840.

\$2 per day for  
attendance

\$2 for 20  
miles travel

Proviso

In force, 18th  
Jan. 1840.

AN ACT to amend an act, entitled "An act to increase the corporate powers of the town of Chester.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions of an act entitled, "An Act to increase the corporate powers of the town of Chester," in force February the 12th, 1839, shall not be so construed as to authorise the citizens of the town of Chester to vote for Justices of the Peace and Constables, in the Justice's precinct in which said town of Chester is situated.

Citizens not  
to vote for  
Justices in  
precinct of  
Chester

**SEC. 2.** The Board of Trustees of said town shall have power to appoint a Secretary, Treasurer, Assessor, Collector, Street Commissioner, and such other officers as the Trustees may deem necessary, any thing in the eighth section of the act to which this is an amendment, to the contrary notwithstanding.

Further powers  
of Board  
of Trustees

APPROVED, January 18th, 1840.

In force, 18th  
Jan. 1840.

AN ACT to legalize the survey and relocation of part of a State road therein named.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey and relocation of a part of the State road, leading from Peoria, to Burlington, as made by Benjamin Tompkins, Kenner Brent, and Matthew J. Cox, in Warren county, be, and the same is hereby legalized, and the county commissioners' court of Warren county is hereby authorised to receive and record the report in the same manner as though the survey and relocation had been made in conformity to the law authorising the resurvey and relocation.

Relocation of  
road legalized

Report to be  
recorded

APPROVED, January 18th, 1840.

AN ACT to amend an act, entitled "An act to vacate the survey and plat In force, 18th of the town of Middleton. Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That instead of the name Name substituted of John Newman, contained in said act, the name of John Nawman, be substituted.

APPROVED, January 18th, 1840.

AN ACT for the relief of Lake county.

In force, 18th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the tax, Tax in Lake county levied by McHenry to be collected by Lake county levied by order of the county commissioners' court of McHenry county, as has been assessed on that portion of McHenry county now forming Lake county, be legalized, and the county commissioners of Lake county be authorised to appoint Collectors, and have the same collected for the use of said Lake county, under the aforesaid assessment, made by the commissioners of McHenry county, at their March term, 1839.

APPROVED, January 18th, 1840.

AN ACT to legalize the assessment of taxes for the county of DuPage. In force, 18th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the appointment of Assessors, and the assessment of taxes in, and for the county of Du Page, for the year one thousand eight hundred and thirty-nine, shall be as good and valid to all intents and purposes, as if the same had been made at the periods directed by the act entitled, "An Act concerning the Public Revenue," approved, Februry 26th, 1839, and that any person feeling aggrieved by the valuation of taxable property, may apply to the county commissioners' court of the said county, to be holden in March next, for such relief as is authorised by the aforesaid act concerning the Public Revenue, and the said court may then grant such relief as could have been granted by law at the June term of such court. Assessment legalized Persons aggrieved, remedied

APPROVED, January 18th, 1840.

AN ACT to authorize certain persons therein named to keep a ferry. In force, 18th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David W. Matthews, Mark Aldrich, their heirs and assigns, are hereby



Ferry established for ten years  
Location

authorised to establish and keep a ferry for the period of ten years, across the Mississippi river from the town of Warsaw, in Hancock county, to a point at or near the mouth of the Des Moines river, opposite said town.

Boat to be furnished and worked by steam

SEC. 2. Said Matthews and Aldrich shall, within two years from the passage of this act, cause said ferry to be furnished with a good tight boat, worked by steam power, and sufficient for the safe and speedy transportation of all passengers, their teams, horses, cattle, and other animals, as well as their goods and effects; and said boat shall be furnished with men of suitable strength and skill to manage the same.

Rates of toll

By what power to be governed

SEC. 3. Said Matthews and Aldrich shall receive such rates, and sums of money, for crossing at said ferry, as are now allowed, and taken for crossing between Warsaw and the mouth of said river Des Moines, and in the management of the same, they shall be governed by the requisitions of the act, entitled "An Act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved February 12, 1827.

APPROVED, January 18th, 1840.

In force, 29th Jan. 1840.

AN ACT to amend "An act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, "approved February 27, 1837."

Directors

Annual election

Commissioners to receive subscriptions to capital stock of Miss. and Ill. canal company

Failure to perform duties shall not work forfeiture

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John B. Hundley, Benjamin F. Edwards, Justis Rider, Charles Howard and William H. Rider, shall be directors of the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, until the first Monday in February, 1840, at which time, and annually thereafter, five directors shall be chosen by the stockholders of said company; and if such election shall be made on the said first Monday in February, 1840, or within three months thereafter, the charter of said company shall not be deemed to have been forfeited by reason of any neglect to choose directors heretofore.

SEC. 2. That Jacob Fry of Greene county, Lewis Roberts of Calhoun county, Ira Davenport, Alexander Brothers and Austin Brokenbrough, of Morgan county, are hereby appointed commissioners, a majority of whom are hereby authorized to open books for the subscription to the capital stock of the Mississippi and Illinois Canal Company; and in all other respects, to carry into effect the act incorporating said company, according to its provisions; and that a failure, on the part of the commissioners originally appointed in said act, to perform the duties required of them, shall not be considered as a forfeiture of said charter.

APPROVED, January 29, 1840.

AN ACT to amend "An act incorporating the Calhoun Coal and Mining Company." In force, Jan. 31, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the stockholders of the Calhoun Coal and Mining Company may locate a portion of the land authorised in the act to which this is an amendment, in the county of Monroe, with the privilege of building a rail road from their coal mines to the banks of the Mississippi river, the right of way to be procured in the same manner as is now provided in the act to obtain the right of way, and for other purposes, approved February 28, 1833.

SEC. 2. The capital stock of said company, at any regular meeting of the stockholders, may be increased to one hundred thousand dollars, which capital, when paid in, shall have power to use their surplus capital in the same manner as is provided in the act granted to the Illinois Insurance Company, approved March 2, 1839.

APPROVED, January 31, 1840.

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AN ACT to establish a ferry across Illinois river.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That William L. May, his heirs and assigns, be, and they are hereby authorized to establish a ferry at the outlet of lake Peoria, and to run the same from both sides of said outlet on the Illinois river, either from any public highway or from any lands or lots which are or may be owned by them.

In force,  
Feb. 1, 1840.

SEC. 2. The said William L. May, his heirs and assigns, shall, at all times keep a sufficient number of boats, hands, oars and poles, to afford at all times a safe and speedy transportation of all travellers and other persons who may desire to cross said river with their horses, wagons, carriages, and other property; and the said ferry shall at all times be subject to all the rules and regulations, which now are or may hereafter be provided by law, to regulate ferries in this State.

Location of  
ferry.

SEC. 3. In consideration of the obligations hereinafter imposed, the said William L. May, his heirs and assigns, shall have the right of ferrying and receiving tolls therefor, at the said outlet, for and during the term of fifteen years from the first of February, 1840.

SEC. 4. The said William L. May, his heirs and assigns, shall be authorized to receive the same tolls as are now allowed by the county commissioners court of Peoria county, at the ferry established at the said outlet of lake Peoria.

SEC. 5. The said William L. May, his heirs and assigns, shall at all times during the existence of the privilege hereby

Persons passing free of toll granted, afford a free passage over said ferry, to all citizens of what is now Tazewell county, together with their horses, carriages, wagons and other property, when going to or returning from the town of Peoria, for the purposes of trade with any of the inhabitants thereof, or for the purpose of consulting or employing any physician or lawyer of said town of Peoria.

Penalty for taking tolls of citizens of Tazewell

SEC. 6. If the said William L. May, his heirs and assigns, shall at any time after the provisions of this act takes effect, demand or receive any toll or ferriage, from any citizen of Tazewell county who may desire to cross at said ferry, for the purposes of trading or transacting business as aforesaid, and who shall demand his exemption as aforesaid, he or they shall forfeit for every such offence to every such person, the sum of five dollars, to be recovered with costs before any justice of the peace by action of debt.

Privileges may be revoked

SEC. 7. The license and privilege hereby granted, shall be liable to be revoked by information in the nature of a *quo warranto*, to be filed in the circuit courts either of Tazewell or Peoria counties, if at any time hereafter the said William L. May, his heirs and assigns, shall fail to keep at said ferry a sufficient number of boats, oars, poles, and hands, to afford a passage to all persons with their property, who may desire to cross said ferry with safety and reasonable speed, or if at any time he or they shall knowingly and wilfully fail or neglect to comply with any of the provisions of this act.

\$50 to Peoria county

\$50 town of Peoria

SEC. 8. The said William L. May, his heirs and assigns, shall annually on the first day of September, in each and every year, pay into the county treasury of the county of Peoria, the sum of fifty dollars for the use of said county, and shall at the same time in each year, pay a like sum of fifty dollars into the treasury of the town of Peoria, to be expended under the direction of the Trustees of said town in improving so much of the State road leading from Peoria to Springfield, as lies between the Illinois river and the top of the bluff; and if at any time the said May, his heirs and assigns, shall fail to pay the above amounts for the space of one month after the same shall become due, the license hereby granted may be revoked as aforesaid.

SEC. 9. If any person or persons shall, by falsely representing themselves to be citizens of Tazewell county, and going to Peoria for the purposes of trade or the transaction of business as aforesaid, procure a free passage across said river at the ferry aforesaid, every such person shall forfeit and pay to the said William L. May, his heirs and assigns, the sum of five dollars for every such offence, to be recovered by action of debt in the name of the party aggrieved, before any justice of the peace having jurisdiction therein.

Proviso.

SEC. 10. The provisions of this act shall not take effect unless the said William L. May shall, on or before the first day of April, 1840, file in the office of the clerk of the coun-



ty commissioners' court of Peoria county, a bond with one or more securities, to be approved by said clerk in the penal sum of one thousand dollars, payable to the county aforesaid, conditioned to perform all the duties required by this act.

SEC. 11. The county commissioners' courts of the counties of Peoria and Tazewell, is [are] hereby inhibited from granting any license, to keep a ferry at the said outlet of lake Peoria, during the existence of this grant, but nothing in this act shall be construed to interfere or prejudice any rights already obtained.

No ferry shall  
be established  
at outlet

SEC. 12. The trustees of the town of Peoria are hereby authorized to expend, under their direction, the amount required by this act to be paid into the Treasury of said town by the said William L. May, upon so much of the State road leading from Peoria to Springfield, as lies between the river and the top of the bluff; also to cause to be expended any further sum or sums of money that they may think proper to expend from time to time, upon that part of the said road.

Part of road  
from Peoria to  
Springfield

SEC. 13. In addition to the amount required to be paid by the said William L. May, by the provisions of the eighth section of this act, he shall cause to be expended upon that part of the Springfield and Peoria road, lying between the Illinois river and the top of the bluff, the sum of fifty dollars annually, for which he is to file his vouchers for the actual expenditure, with the board of trustees of the town of Peoria, on or before the first Monday in September, in each year.

\$50 to be ex-  
pended by W.  
L. May

SEC. 14. That so much of the eleventh section of the act entitled "An act to extend the corporate powers of the town of Pekin, approved February 23, 1839," as gives the county commissioners' court of Peoria county the right to fix and regulate the rates of ferriage over the Illinois river at said town, be and the same is hereby repealed.

Sec. repealed

APPROVED, February 1, 1840.

AN ACT authorizing commissioners' courts to alter, change, and re-locate State roads.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts of the several counties in this State shall have the control of, and jurisdiction over all roads in their respective counties, as well State roads located by State authority, as by the county, and may alter and relocate the same on application.

Co'ty com'rs  
to have con-  
trol of roads

SEC. 2. That when any person or persons desire a change, or re-location of any State road now located, notice of such intended application shall be given, by setting up advertisements in writing, at least one in each road district, through

Petition for roads which said road shall pass, and on the court-house door, twenty days previous to the sitting of the court to which application shall be made; and on petition of a majority of the qualified voters of each road district, through which the road shall pass, fairly obtained, the court shall appoint viewers, to examine the rout, and make the location, and the proceedings thereafter shall be had as in cases of county roads: *Provided*, nothing in this act shall be so construed as to authorize the re-location of any State road, unless the majority of the qualified voters living immediately in the vicinity of such road proposed to be changed, petition for such change; and deposit with the county commissioners' clerk sufficient money to defray the expenses of such review: *And provided further*, no change shall be made unless the distance is shortened thereby.

Proviso. SEC. 3. That when it shall become necessary to have a road altered, or located at a county line, the same shall be agreed on and settled by viewers, from each county, to be appointed by the counties immediately interested; and no Roads ending at co'y lines State road shall be altered at a county line, or elsewhere, unless a majority of the viewers appointed, agree on such change or location. All roads shall be surveyed, and a plat with the courses and distances reported and recorded, and the county commissioners' courts are empowered to establish the main leading roads four rods wide.

Remonstrances SEC. 4. In all cases where objection shall be made, and a remonstrance presented to an alteration, or location of a road, the court shall consider the same, and act according to their best judgment for the public good: no power or authority is hereby granted to change or interfere with the great western mail rout, or the Darwin and Charleston turnpike.

Exception

APPROVED, Feb. 1, 1840.

In force,  
Feb. 1, 1840.

An ACT to vacate a State road in Pike county, and for other purposes.

Road annul'd SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the road located by the provisions of the fiftieth section of "An [act] to locate and establish and alter, change, and re-locate state roads," approved March 2, 1839, be and the same is hereby discontinued and annulled.

Privileges of company

SEC. 2. That upon the acceptance and adoption of the act entitled "An act to establish insurance offices in Morgan, Pike and Scott counties," passed during the present session of the General Assembly, by the corporations or either of them named in said act, it shall be lawful for the president and directors of either of said corporations to adopt as part of the charter, any one or more sections of the act incorpo-

rating the other company; so that each company shall have all the rights, privileges, powers and immunities granted to, or conferred upon either: *Provided*, That the capital stock shall not be increased beyond the amount now provided for by law: *And provided further*, That the place of doing business shall not be changed, the directors of said company respectively, are authorized to fix the time of the annual meetings and elections; but in case of failure to make an election at any time provided for, said corporations shall not thereby be dissolved, but the directors last elected shall continue in office until successors are elected, and enter upon their duties; and each of said corporations shall continue to exist, and exercise, have, and enjoy, all the rights and privileges conferred upon and granted to them by the above recited act, during the period limited in the original acts of incorporations.

APPROVED, February 1, 1840.

AN ACT to incorporate the Hamilton Primary School.

In force,  
Feb. 1, 1840.

WHEREAS, Silas Hamilton did, by his will and bequest, bearing date the 20th day of October, 1831, give and bequeath four thousand dollars in the words following, viz: Believing in the very great importance of primary schools, and desiring that my friends and relations in this neighborhood should receive the benefit of them, I give and bequeath four thousand dollars for the establishment of a primary school, viz: Two thousand dollars to be appropriated to the erection of a building suitable for a school, and for a place of public worship, and two thousand dollars to constitute a fund for the support of a teacher; said house is to be located not exceeding one mile south of this, my residence, nor one mile west, nor one mile nor one half mile north, nor one fourth mile east of it, but at or near the point called the four corners, and I desire my executors to oversee the erection of said building.

And whereas the executor of said Hamilton has procured a lot of land at the place called the four corners, mentioned in said will, it being in the centre of section number fourteen in township number seven, north of range number twelve west, in the county of Jersey, and have erected a stone building thereon for the use and purpose mentioned in said will, and for the purpose of enabling the neighborhood aforesaid to use and forever enjoy the benefits of the said bequest—Therefore,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That J. M. Hurd, Tarlton F. Brock, Henry Noble, James C. Perry, and George D. Sidway, and their successors, be, and they are hereby created

Body politic  
and corporate



Name and style.	a body politic and corporate, by the name and style of the "Hamilton Primary School," and by that name to have perpetual succession, with power to sue and be sued, plead and be impleaded, to acquire, hold, and convey property, real, personal, and mixed, together with all donations and bequests made by Silas Hamilton for school purposes, to have and use
Powers.	a common seal, to alter the same at pleasure, to make and alter from time to time, such by-laws as they may deem necessary for the government of said school, its officers and servants: <i>Provided</i> , such by-laws be not inconsistent with the constitution and laws of the United States and of this State.
Location of school.	SEC. 2. The said primary school, incorporated by this act, shall remain located in Jersey county, where it now is; the powers and privileges hereby conferred shall be exercised and employed for the sole purpose of establishing a primary
Gifts & grants	school and promoting the cause of education. And all gifts and donations which may have been, or that may hereafter be made for the purposes of education or establishing a seminary of learning, shall be received and held by the said Hamilton primary school, for the purpose of establishing a seminary of learning, and the proceeds thereof shall be appropriated in such a manner as shall best promote the objects of the donor, and advance the prosperity of said school. That all donations that have or may be given for a particular purpose, expressed in this grant, and accepted by said school, shall be applied in conformity with the design of the donors; and if it is not inconsistent with the objects of any such donation, shall be loaned out by the trustees of said school, at such rate of interest as is now allowed to be taken by individuals; and the trustees of said school are hereby authorized to obtain and receive from the executors or executor of the said Silas Hamilton, or their legal representatives, all notes, bonds, mortgages, and other securities by them taken as security for the said donations; and the said trustees shall have full power and authority to collect the same, with the interest due thereon, in the same way the executors might or could have done.
Election	SEC. 3. The officers of said school shall be governed by five trustees; and the persons named in the first section of this act shall be the first trustees, and continue in office until the first Monday in June next, and until their successors are elected and qualified. And on the first Monday of June next there shall be elected five trustees, who shall hold their office until succeeded, as hereinafter directed, at the first regular meeting of the trustees elected in pursuance of this act, or
Trustees divided into five classes.	as soon thereafter as practicable. The trustees shall divide themselves into five classes, and prepare five tickets, and cast lots, and the trustee drawing the first class, shall hold his office for the term of five years, and until his successor is
First class	elected; and the trustee drawing the second class shall hold
Second class	his office for the term of four years, and until his successor is

elected; and the trustee drawing the third class shall hold his <sup>Third</sup> office for the term of three years, and until his successor is elected; and the trustee drawing the fourth class shall hold <sup>Fourth</sup> his office for the term of two years, and until his successor is elected; and the trustee drawing the fifth class shall hold his <sup>Fifth</sup> office for the term of one year, and until his successor is elected; so that on the first Monday in June thereafter, in each and every year, there shall be elected one trustee, who shall hold his office for the term of five years, and until his successor is elected and qualified. The trustees shall elect one of their own number President, and shall be judges of the <sup>President</sup> qualifications of its members.

SEC. 4. That at any election held for the election of trustees, all persons residing within four miles square to be laid off north and south, and east and west, calling the school-house aforesaid the centre of said four miles square, and who are qualified to vote for members of the General Assembly, shall be entitled to vote for trustees; and a majority of trustees shall form a quorum for the transaction of business; and <sup>Quorum.</sup> any three of them may act as judges and clerks of the election of trustees, and may make such regulations in regard to conducting the election of trustees, as they may see proper from time to time.

SEC. 5. The trustees of said incorporation shall have authority from time to time to prescribe and regulate the studies <sup>Studies to be</sup> to be pursued in said school, to fix the rates of tuition, and <sup>pursued</sup> any other academical expenses; to appoint instructors and such other officers and agents as may be necessary in managing the affairs of said school, to define their duties, to fix their compensation, and to displace and remove them at <sup>Officers may</sup> pleasure, to erect any necessary buildings, to purchase books, <sup>be removed</sup> apparatus, and other suitable means of instruction, and generally to do such acts, from time to time, as they may deem necessary to promote the objects of this act.

SEC. 6. It shall be the duty of said trustees to appoint a treasurer who shall also act as clerk of said incorporation, and require the treasurer to give bond, with good and sufficient <sup>Treasurer to</sup> security, in such penal sum as they may deem proper, <sup>give bond</sup> conditioned that he shall faithfully perform the duties of his office, and comply with such duties as the by-laws of said corporation shall require of him, from time to time.

SEC. 7. The said school shall be open to all classes of <sup>School open</sup> people and denominations of christians, and the profession of <sup>to all classes</sup> any particular religious faith shall not be necessary of those who become students. All persons, however, may be suspended or expelled from said school by the trustees thereof, whose habits are idle or vicious.

SEC. 8. The real estate owned by said corporation, at any <sup>Real estate</sup> one time, shall not exceed three hundred acres, nor shall this <sup>owned</sup> act be so construed so as to prevent said school from receiving its just proportion from the township and State fund, as

other schools do: and said trustees shall perform the same duties in regard to said school, for the purpose of obtaining their proportion of said school fund, as is or may be required of trustees of schools in other townships.

Executors of  
Hamilton

SEC. 9. Three trustees of said school shall have full power and authority to call on the executors, or executor of said Silas Hamilton, or their legal representatives, for a settlement of their acts in regard to said donation, and it shall be the duty of the trustees of said school to see that the donation of the said Silas Hamilton is faithfully applied to the objects of the donor.

SEC. 10. This act shall take effect from and after its passage, any law to the contrary notwithstanding.

APPROVED, February 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT to authorize Sherland Rose and Andrew C. Swan to build a toll bridge across Fever river, at Galena, in the county of Jo Daviess.

Persons au-  
thorized to  
build toll  
bridge

Proviso

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Sherland Rose and Andrew C. Swan, and their associates, and successors, are hereby authorized to build a toll bridge across Fever river, at such point as they may determine, not exceeding in distance three hundred and fifty rods from the ferry now kept for crossing said river at Galena: *Provided,* That the erection of said bridge shall not conflict with any rights heretofore granted to any person or persons: *And provided further,* That the said bridge shall be so constructed as not to obstruct the navigation of said river.

Commence-  
ment & com-  
pletion of  
bridge

SEC. 2. Said Rose and Swan, and their associates, or successors, shall commence the erection of said bridge, within two years from the passage of this act, and complete the same within three years.

Toll gates

Rates of toll

SEC. 3. When the said bridge shall be completed, the proprietors thereof shall have the right to erect thereon the usual gates or barriers, and demand and receive from all persons crossing the same the following rates of toll, viz: For each footman  $6\frac{1}{4}$  cents; for a man and horse  $12\frac{1}{2}$  cents; for each wagon or other vehicle drawn by two horses, or one yoke of oxen  $37\frac{1}{2}$  cents; for each additional pair of horses, or yoke of oxen 25 cents; for each vehicle drawn by one horse  $18\frac{3}{4}$  cents; for each loose or lead horse, mule, ass, or jennie,  $6\frac{1}{4}$  cents for each; for each head of cattle 2 cents; for each head of hogs, goats or sheep 1 cent.

May hold real  
estate

SEC. 4. The said Rose and Swan, their associates, and assigns, are hereby authorized to purchase and hold such real estate not exceeding fifty acres, as may be necessary for the objects herein contemplated, and they shall have power to



employ such clerks, toll gatherers and helps, as they may deem necessary, and require, and take bonds for the faithful performance of the duties assigned them. Officers

SEC. 5. The proprietors of said bridge shall at all times after the same is erected, afford a safe and speedy passage to all persons and their property, on payment of, or tender of the tolls, as herein provided; and if the said bridge at any one time be out of repair, for ten days together, the proprietors shall forfeit and pay a fine of ten dollars, and a like sum for every five days thereafter, that the said bridge shall remain out of repair, to be recovered by action of debt, before any justice of the peace, of Jo Daviess county, one half to be paid to the person suing for the same, and the other half to be paid into the county treasury: *Provided*, that if reasonable exertions are made to repair the same, no liability shall be incurred by reason of said bridge being out of repair. Duties  
Forfeitures  
Proviso.

SEC. 6. The county commissioners' court of Jo Daviess county may, at any time after the expiration of three years, from the completion of said bridge, purchase the same by paying the original cost thereof, and ten per cent. thereon; and to enable the county commissioners' court to ascertain the cost of said bridge, it is hereby made the duty of the said proprietors to keep an accurate account of the cost of constructing said bridge, and make affidavit thereto, and file the same with the clerk of the county commissioners' court. County court  
may purchase  
bridge  
Cost of bridge

SEC. 7. This act to be and remain in force for and during the term of twenty years from and after its passage, and be subject to be taxed by the county commissioners' court, as in other cases of toll bridges and ferries, as now is or hereafter may be provided by law. Term of act  
Bridge may  
be taxed

APPROVED, February 1, 1840.

AN ACT to incorporate the Kaskaskia Beet Sugar Manufacturing Company and Randolph Silk Manufacturing Company.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That John D. Owings, David Hailman, James M. Wheeler, S. H. Cander, Miles A. Gilbert and William Brewster, and their associates, successors and assigns, be, and they are hereby declared to be a body corporate and politic for the term of twenty years, from and after the passage of this act, by the name and style of the "Kaskaskia Beet Sugar Manufacturing Company," and by that name and title shall be capable of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, of defending and being defended in all courts and places whatsoever, and may have and use a common seal, the same to alter and renew at pleasure. Body corporate  
Name and  
style  
Powers

**Capital stock** SEC. 2. The capital stock of said company shall be one hundred thousand dollars, with the power of increasing the same from time to time, as a majority of the stockholders may deem proper, to any amount, not exceeding in the whole the sum of three hundred thousand dollars, divided into shares of twenty dollars each, and each share shall be entitled to one vote.

**Proviso** SEC. 3. The said company shall have power to enter into and carry on the cultivation of beet and other saccharine vegetables, and manufacture sugar therefrom, and export their products and manufactures to erect mills, works, machinery, and such other buildings as may be necessary for the manufacture of sugar; to purchase, hold and convey any property, real, personal, or mixed, in the county of Randolph, which may be necessary to enable the said company, properly to carry out the expressed objects for which they were incorporated: *Provided*, That the quantity of real estate to be held by said company shall not exceed six hundred and forty acres.

**Management of company** SEC. 4. The business and affairs of said company or the corporation hereby created, shall be managed and governed by not less than three, nor more than five directors, as the stockholders, at their annual meetings, shall from time to time declare. One of the directors shall be elected president of the board, who shall also be elected president of the company.

**President and Directors to be chosen** SEC. 5. The president and directors of said company or a majority of them, may elect a treasurer, secretary and such other officers as they may deem necessary to carry into effect, the objects and intent of this act; may make, execute and adopt such by-laws, rules, regulations and ordinances as they may think proper: *Provided*, said by-laws are not inconsistent with the laws of this State or of the United States.

**Treasurer** SEC. 6. The shares in said company shall be deemed personal property, and shall be transferrable in such manner as shall be prescribed by the by-laws of said company; any two of the individuals named in the first section of this act, are hereby authorized to open books for the subscription of said stock in the town of Kaskaskia at such place as may be appointed, by giving not less than five days notice of the time and place of such meeting in some newspaper in the county of Randolph, or by said notice being stuck up on the court house door of said county.

**Proviso.** SEC. 7. This act shall be deemed a public act in all courts and places whatsoever, and shall be in force from and after its passage.

**Stock deem'd personal** SEC. 8. That Miles A. Gilbert, James M. Wheeler, John D. Owings, William Brewster, and such other persons as shall become stockholders pursuant to this section, shall be and they are hereby declared to be a body corporate and politic, by the name and style of the "Randolph Silk Manufacturing Company," and by that name, they and their successors shall have succession for the term of twenty years, with the power to sue and be sued, plead and be impleaded, defend and be de-

**Subscription to stock**

**Randolph silk company**

**Powers.**

fended, in all courts and places whatsoever; to make, have and use a common seal, the same to alter and renew at pleasure, to contract and be contracted with in all matters and things relating to their corporate powers or duties as fully and effectually as a natural person; to purchase, hold and convey real estate, personal or mixed, to cultivate the different varieties of the mulberry, to manufacture silk therefrom; also, to manufacture all kinds of cloths, whether made of silk, flax, or wool, and to export the same; to erect cocooneries, machinery, mills, and such other buildings as may be necessary to carry into effect the objects and meaning of this act.

SEC. 9. This company or corporation shall have the same amount of capital, perform all the duties, and be governed by all the restrictions and limitations contained in the second, third, fourth, fifth, sixth and seventh sections of this act, so far as they can be made applicable to the "Randolph Silk Manufacturing Company." The corporate existence of the said "Randolph Silk Manufacturing Company" shall cease at the expiration of twenty years from the passage of this act.

Capital stock

Section made applicable

APPROVED, February 1, 1840.

AN ACT to relocate part of a State road therein named.

In force.  
Feb. 1. 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Hugh Ferguson, George A. Charles, and John Coleman, be, and they are hereby appointed commissioners to review, mark, and relocate that part of the State road leading from Knoxville in Knox county, *via* Charleston, to Peoria, in Peoria county, commencing at the east end of Main street, in the town of Knoxville, running thence due east to the township line between ranges two and three, east, thence north on said line to the centre of section thirty, in township eleven, north of range three east, and from thence due east till it shall intersect the original survey of said road.

Commissioners to relocate road

Route

SEC. 2. Said commissioners shall meet in Knoxville, on or before the first day of June next, or within six months thereafter, and after being duly sworn before some justice of the peace, impartially to view and relocate the same, shall, within fifteen days after the relocation of said road, cause a true survey and map of the same to be lodged with the clerk of the county commissioners' court of Knox county; said road, when relocated, shall be deemed a public high-way, and opened and kept in repair as other State roads are.

Time &amp; place of meeting

Survey &amp; map of road

SEC. 3. The county commissioners' court shall allow the said commissioners a reasonable compensation for their services.

Compensation

APPROVED, February 1, 1840.



In force, **AN ACT** to legalize the acts of certain officers of Henry county, and for  
Feb 1, 1840. other purposes.

Preamble

**WHEREAS** it appears by a memorial of the county commissioners' court of Henry county, that during the month of May, 1839, the public buildings erected at the town of Richmond, the county seat of said county, were entirely destroyed by fire, and there is now only a temporary building, entirely insufficient for the accommodation of the circuit and county commissioners' courts: *And whereas*, a convention of the citizens of said county was held at Geneseo, in said county, on the ninth day of July, 1839, it was voted, that it is expedient to have the county seat removed from its present location, and also that the county commissioners' be authorized to remove their place of holding courts, to some place within the county, where they could be comfortably accommodated, until suitable buildings could be erected at the county seat: *And whereas*, according to the expressed wish of the people of the county, and for the reasons foregoing, the county commissioners' courts have, since the last mentioned period, been held at the village of Geneseo, the nearest settlement to the county seat—Therefore,

**SEC. 1.** *Be it enacted by the People of the State of Illinois,* represented in the General Assembly, That the official acts of the county commissioners' court of Henry county be and the same are hereby legalized, and shall, to all intents and purposes, be considered as valid as if transacted at the county seat of said county.

Acts of county commissioners legalized

**SEC. 2.** The county commissioners' court, and likewise the circuit court of said county, are authorized and required to hold their respective terms of courts at the said village of Geneseo, until suitable buildings for the transaction of business shall be erected at the county seat now established, or hereafter to be established, by law, in said county; and all their official acts and business transacted at the said village of Geneseo, shall be as valid as if transacted at Richmond, the present county seat of said county.

Courts to be held at Geneseo

**SEC. 3.** All the official acts of the public officers of said county, which by law were required to be transacted at the county seat thereof, and which have been transacted at the said village of Geneseo, or at any other place in said county, which have been transacted according to law, excepting that they have not been transacted at the place required by law, are hereby rendered equally as valid as if transacted at the county seat of said county. The several public officers of said county are hereby authorized and permitted to reside at their respective places of residence, for the term of one year from the first day of January, 1840, and until suitable buildings for the transaction of the official business shall be provided at the county seat now established or hereafter to be established by law, in said county.

All acts of co. officers legalized

SEC. 4. That Alexander Turnbull, of Warren county, Milsey [Miles] W. Conway, of Rock Island county, and Harmon Brown of Knox County, be, and they are hereby appointed commissioners to re-locate and re-establish the seat of justice of Henry county, and give it a name; said commissioners, or a majority of them, shall meet at the town of Geneseo, in said county; who after being first duly sworn before some justice of the peace of said county, faithfully to locate the seat of justice thereof, without partiality, favor, or affection, taking into consideration the present, and prospect of future population, shall proceed accordingly to fix upon a place for the permanent seat of justice of said county.

Commissioners to relocate county seat

Time & place of meeting

SEC. 5. When said commissioners, or a majority of them, shall have agreed upon a place for the seat aforesaid, they shall make a report in writing, under their hands and seals, describing the quarter, or fractional quarter section, township, and range, upon which they have located the same, together with the name they may have given it, to the county commissioners' court of said county of Henry, who shall at the next term of said court thereafter, cause the said report to be entered on the records of said court; and the place so selected by said commissioners, or a majority of them, shall remain the permanent seat of justice of Henry county, and shall be known and called by such name as may be given to it by said commissioners.

Rep. in writ'g to be made to county com'rs court

SEC. 6. The county commissioners' court of said county shall allow said commissioners such reasonable compensation per day for their services as they may deem just, out of the county treasury of said county.

Compensat'n of com'rs locating co. seat

SEC. 7. Should said commissioners locate said seat of justice on land belonging to an individual or individuals, they shall ask and obtain a donation of any number of acres not less than forty, and also select and describe said donation in their report, with reasonable certainty, by metes and bounds:

Donations for county seat

*Provided*, That should the proprietor or proprietors neglect or refuse to make the donation herein provided for, the said commissioners shall then be required to locate said seat of justice on the nearest eligible situation on public land; and it shall be the duty of said commissioners, previous to locating said seat of justice on the land belonging to any individual or individuals, to take a deed in fee simple to said county of Henry, for such land as may be donated as aforesaid: *And provided further*, That if the said commissioners shall locate said seat of justice on the public land, the county commissioners' court shall be, and they are hereby authorized and required to purchase any quantity of land not exceeding one hundred and sixty acres including said town site, in the name and for the use of said county of Henry; which land, or such part thereof as the county commissioners' court may order and direct, shall be laid off into town lots, in such manner, and sold for the use and benefit of said county, at such time

Proviso

Land to be deeded to co. com'rs in fee simple

Further proviso

Proviso. and place as the county commissioners' court thereof may order and direct: *Provided, however,* That so much of the proceeds of the sale of said lots as may be required to erect public buildings for the use of said county, shall be applied exclusively for that purpose: *Provided, further,* That nothing in this act shall be so construed as to authorize the commissioners appointed under this act to locate the county seat of said county of Henry, on the lands of any individual or individuals, unless it be ascertained first, by said commissioners, that no suitable location can be made on public land.

Further proviso. SEC. 8. That if the commissioners appointed under this act shall deem it to the interest of said county to locate the seat of justice of said county, within the limits of any town plat owned by any individual or individuals, they shall be authorized to receive donations of lots in such town, or other real estate donated: *Provided,* That the value of such town lots or other real estate donated, according to the provisions of the foregoing section, shall not be of less value than two thousand dollars.

County seat may be located on town plat SEC. 9. The commissioners appointed under this act shall meet at the place designated in the fourth section of this act, on the first day of June next, or within six months thereafter, and proceed to the discharge of their duties.

Time of commissioners meeting APPROVED, February 1, 1840.

In force, Feb. 1, 1840. AN ACT to locate the county seat of Stark, and to extend the limits of said county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Cyrus Walker, of McDonough county, D. G. Salsbury of Bureau county, and William Fenn, of Marshall county, are hereby appointed commissioners to locate the seat of justice in and for the county of Stark. Said commissioners, or a majority of them, shall meet at the house of Wm. H. Henderson, in said county, on the first Monday in April next, or as soon thereafter as may be convenient. And after being duly sworn by some justice of the peace of said county, faithfully to perform the duties required of them by this act, shall proceed to locate the county seat of said county, having due regard to the present and future population of said county, the eligibility of the site, and the general good of the whole people of said county, as near the geographical centre of said county as may be agreeable to the provisions of this act.

Com'rs to locate co. seat of Stark Time & place of meeting SEC. 2. Said commissioners shall, by donation or purchase, procure a clear and indefeasible title, with general warranty deed, to at least forty acres of land, upon which the public buildings shall be erected, and said county seat lo-

Title to lands



cated. Said deed shall be made to and in the name of the county commissioners of Stark county, and their successors in office, for the use and benefit of said county of Stark.]

SEC. 3. It shall be the duty of the county commissioners aforesaid, immediately after said county seat shall be located, to cause to be surveyed into lots, upon such plan as may be agreed on by them, the lands upon which the location has been made; to proceed to advertise and sell the same, at such time and on such terms as they may deem most advisable for the good of the county; and the proceeds of said sale, or so much thereof as may be sufficient, shall be faithfully applied to the erection of a court-house and jail for said county of Stark.

Lands to be laid off into lots and sold  
Public buildings

SEC. 4. The county commissioners' court of the county of Stark shall appropriate, out of the county treasury, the sum of three dollars per day to each of the commissioners for the number of days they may be employed in locating the county seat and travelling to and from the county aforesaid.

Pay of commissioners

SEC. 5. That all that part of Henry county within the following boundary, shall be attached to and form a part of the county of Stark, to wit: Beginning at the South east corner of the corner of Henry, running north with the line dividing ranges five and six, to the northeast corner of section twenty-four, in township fifteen north, of range five east, of the fourth principal meridian, thence west with the sectional lines to the northwest corner of section twenty-two, in range four, east; thence along the section twenty-two in range four east, thence south along the sectional line, dividing townships thirteen and fourteen north, thence east with said line to the beginning, it being nine miles square, out of the south east corner of said county: *Provided*, That an election shall be held in said county of Henry, at the usual places of holding elections, on the first Monday of March next, to vote for or against a division of said county; and if it shall appear that a majority of the legal voters of said county of Henry, are in favor of the territory above described, being attached to, and hereafter forming a part of, the county of Stark, it shall be considered a part of said county of Stark; but if a majority of the legal voters of said county of Henry are opposed to the division of said county, then the territory described in the foregoing part of this section shall remain and continue a part of Henry county. The election shall be conducted, notice given, and returns made, in the same manner as now required by law for all special or general elections.

Part of Henry attached to Stark, conditionally  
Proviso.  
Time of election for division

*And it is further provided*, That should the vote of Henry county be against attaching the nine miles square to the county of Stark, then the county seat of Stark shall not be located, and this act shall be considered void and of no effect.

Proviso  
Where county seat shall not be located

APPROVED, February 1, 1840.

In force, AN ACT to establish a State road from Petersburg in Menard county, to  
Feb. 1, 1840. Waverly in Morgan county.

Com'rs to lo- SEC. 1. *Be it enacted by the people of the State of Illinois,*  
cate road *represented in the General Assembly,* That John B. Broadwell,  
Franklin Minor and Achilles Morris, be, and they are here-  
Location of by appointed Commissioners, to view, make and locate a  
road John B. Broadwell, Berlin, New Berlin, and the rail road de-  
pot in Sangamon county, to Waverly, in Morgan county.

Time & place SEC. 2. That said Commissioners or a majority of them  
of meeting shall meet at Petersburg on the first Monday of March next,  
or any time within sixty days thereafter, and after being duly  
sworn, shall proceed to locate said road, avoiding as much as  
possible all injury to private property.

Separate re- SEC. 3. That said Commissioners shall make out a separate  
port report of so much of the location of said road as lies in each  
of said counties, and file the same with the Clerk of the coun-  
ty Commissioners' Court of the proper county.

Pay of com'rs SEC. 4. That said Commissioners shall have such compen-  
sation out of the Treasuries of said counties as shall be just  
and reasonable, each county to pay in proportion to the dis-  
tance the road may run in said county.

Com'rs to lo- SEC. 5. That John L. Ewing, of Schuyler county, is here-  
cate road in by appointed in lieu of Edward Doyle, one of the Commis-  
Schuyler co sioners, for the purposes mentioned in an act entitled "An act  
to locate a State road from Mount Sterling in Brown county  
to Mount Carmel in McDonough county;" approved February  
22, 1839.

Time extend- SEC. 6. The time mentioned in the second section of said  
ed act for the Commissioners to meet and perform the duties re-  
quired of them in said act shall be extended to one year, from  
and after the passage of this act.

APPROVED, February 1, 1840.

In force, AN ACT to amend "An act concerning Justices of the Peace and Consta-  
Feb. 1, 1840. bles," approved February 3, 1827.

Sec. 28 of act repealed SEC. 1. *Be it enacted by the people of the State of Illinois,*  
*represented in the General Assembly,* That so much of the  
twenty-eighth section of an act, entitled "An act concerning  
Justices of the Peace and Constables," approved February 3,  
1827, as requires Clerks of the Circuit Courts to affix a certi-  
ficate of magistracy to an execution issued to another county is  
hereby repealed; and hereafter such certificate shall be affixed  
by Clerks of the County Commissioners' Courts, respectively.

APPROVED, February 1, 1840.

AN ACT to amend an act regulating the publication and distribution of the laws and journals of the General Assembly. In force, 29th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That recorders and school commissioners of the counties shall be entitled to one copy of the laws of this State, in all future distributions of the same. Recorders & School commissioners entitled to laws

APPROVED, January 29, 1840.

AN ACT in relation to the court house in the county of La Salle. In force, 29th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of La Salle, shall have the care of the court room in said county, any law to the contrary notwithstanding: *Provided,* said commissioners shall have said room kept in order for holding courts, at any time that it may be wanted for holding courts, or other public purposes. Care of co. comr's of La Salle over court room Proviso

APPROVED, January 29, 1840.

AN ACT for the benefit of Stark county. In force, 29th Jan. 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county of Stark is hereby entitled to the one-fourth part of the money hereafter to be drawn by the county of Putnam, from the Internal Improvement fund; the other three-fourths to be adjusted between the county commissioners' courts of the counties of Putnam and Stark, according to an arrangement entered into by said courts: *Provided,* said money shall be applied to the purposes for which it was originally appropriated. Stark co. entitled to portion of Internal Improvement money drawn by Putnam county Proviso

APPROVED, January 29, 1840.

AN ACT to change the name of the town of "Victoria" in the county of White, to that of Philipstown. In force, Jan. 29, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of "Victoria," in the county of White and State of Illinois, be, and the same is hereby, changed to that of Philipstown, and by that name it shall hereafter be known and distinguished in law. Name of town changed from Victoria to Philipstown

SEC. 2. This act shall, in no wise, affect the title to the real estate lying and being within the plat of said town. This act to take effect and be in force from and after its passage. Alteration shall not affect title to real estate in

APPROVED, January 29, 1840.



In force, 29th Jan. 1840. AN ACT for the appointment of an additional notary public in the town of Grafton, in Jersey county, and Pittsfield in Pike county, and Charleston in Coles county.

Additional Notary Public in Grafton, Pittsfield and Charleston. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Governor shall appoint, by and with the advice and consent of the Senate, one additional notary public, in the town of Grafton in the county of Jersey, and Pittsfield in Pike county, and Charleston in Coles county. This act to be in force from and after its passage.

APPROVED, January 29, 1840.

In force, 29th Jan. 1840. AN ACT to relocate parts of State roads in Fayette county.

Comr's to re-locate road. Direction of road. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Dudley Mabry and William Paydon, of Fayette county, are appointed commissioners to review and relocate so much of the State road, authorized by an act of the Legislature of 1838 and 1839, leading from Joseph Huey's in Clinton county, to the Northeast corner of Fayette county, as lies between the said Dudley Mabry's along on said road to near the hazle mound; thence, on the nearest and best ground, to the house of Isaac Workman; and thence, on the most eligible site to intersect the aforesaid State road in the post oak plats, south of Stuart's mills, in Big Creek, in the said county of Fayette.

Time and place of meeting. To be sworn. SEC. 2. That said commissioners, or either of them, shall meet at the house of the said Dudley Mabry, whenever it shall be most convenient for them so to do, within ninety days from the passage of this act; and after being duly qualified before some person authorized to administer oaths, impartially to discharge the duties enjoined by this act, shall proceed to relocate said road, as provided for in the first section of this act.

Comrs. of Fayette co. to keep road open and in repair. Pay of comr's. SEC. 3. And it is made the duty of the county commissioners' court of Fayette county, to cause the reviewed and relocated part of said State road to be opened and kept in repair as other State roads are required to be; and shall also allow, out of the county treasury, a reasonable compensation per day to said commissioners, for the time actually spent in the performance of the duty required by this act.

Comr's to re-locate road S W of Vandalia. Direction of road. SEC. 4. That John Shirley and Andrew J. Hickerson be, and they are hereby, appointed commissioners to relocate that part of the State road leading from Vandalia to Carlyle, as lies between the said town of Vandalia and William Miles', on the said Carlyle road, commencing at Vandalia; thence, through the inlots in the south-western corner of said town, to Jeremiah Evans' old place; and thence, to intersect the State road leading to Carlyle, near the said William Miles'.

Said commissioners shall meet at the house of Aikins Evans, <sup>Time and place of meeting</sup> on some day within ninety from the passage of this act, that they may agree upon, and after being duly sworn before some person authorized to administer oaths, shall proceed to perform the duty herein required of them.

SEC. 5. The third section of this act shall, in all respects, <sup>Pay of comr's</sup> be applicable to the road authorized to be relocated in the foregoing section, as well as to the compensation of the commissioners appointed by said section.

APPROVED, January 29, 1840.

AN ACT to repeal "An act incorporating the Northern division of the American Bottom," <sup>In force, Jan. 27, 1840.</sup>

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "Act incorporating the northern division of the American Bottom," approved, March 2d, 1839, be, and the same is hereby, repealed. <sup>Act repealed</sup>

APPROVED, January 27, 1840.

AN ACT in relation to Lusk creek. <sup>In force, Jan. 29, 1840.</sup>

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lusk Creek, in the county of Pope, is hereby declared a navigable stream from <sup>Lusk creek declared navigable</sup> the mouth thereof up to John Ritts' mill; and all laws declaring said creek navigable higher up than Ritts' mill, are hereby repealed. <sup>Laws repealed</sup>

APPROVED, January 29, 1840.

AN ACT to authorize Allen P. Hubbard to build a mill dam across Fox River. <sup>In force, Jan. 29, 1840.</sup>

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Allen P. Hubbard and his associates, heirs and assigns, be, and they are hereby authorized to construct and build a mill dam across Fox river, <sup>Location of mill-dam on Fox river</sup> on sections twenty-seven and twenty-eight, township thirty-nine north, range eight east of the third principal meridian, in the county of Kane, to the height of six feet above low water mark: *Provided*, Said grant shall not be construed so <sup>Proviso</sup> as to prevent the State from improving said Fox River at that place, by dams, locks, or any other way, at any time hereafter, for the purpose of slackwater navigation; or otherwise: *Provided, however*, That said dam be not so constructed as to interrupt the free navigation of said river.

Style & plan  
of dam

SEC. 2. The said dam shall be constructed with a down stream slope of two feet horizontal to one foot perpendicular rise; well and sufficiently planked over, for the purpose of allowing a safe passage to the descending trade of the said river, and during the continuance of said dam, said slope shall be kept in good repair.

SEC. 3. This act shall take effect from and after its passage.

APPROVED, January 29, 1840.

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In force,  
Jan. 30, 1840.

AN ACT to extend the time for the location of State Roads.

Time to lo-  
cate roads ex-  
tended to De-  
cember 7th,  
1840

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Commissioners appointed to locate State Roads by any law of the last session of the Legislature of this State, and who have failed to perform said duties, are hereby authorized to perform the same at any time previous to the first Monday in December next.

APPROVED, January 30, 1840.

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In force,  
Jan. 30, 1840.

AN ACT permanently to locate the seat of justice of the county of DeKalb.

Time of elec-  
tion

Persons qual-  
ified may vote  
for or against  
removal of co.  
seat

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the first Monday in August next, the qualified voters of the county of De Kalb, who shall have resided within said county for thirty days next preceding the day of election, shall vote for or against the removal of the county seat, from its present location; and if it shall appear from the returns of the said election, that a majority of all the votes given shall be in favor of a removal of the county seat, and also, that a majority of all the votes given shall be in favor of any other place within said county, then said county seat shall be removed, and the place receiving the number of votes required by this act shall be, and forever remain, the permanent seat of justice for the said county of De Kalb.

Second elec-  
tion condi-  
tional

SEC. 2. If a majority of the votes given shall be in favor of a removal of the county seat, and no other place shall receive a majority, then a second election shall be held on the third Monday of the said month of August, and a selection shall be made from the two places receiving the highest number of votes at the first election.

Notice of e-  
lections by  
clerk

Duty of sher-  
iff

SEC. 3. It shall be the duty of the Clerk of the County Commissioners' Court, to cause notices of the elections contemplated by this act, to be posted up at three of the most public places within each Precinct, at least twenty days previous to the day of the first election, and ten days previous to the second election, and the Sheriff of the said county of De Kalb shall post up said notices.



SEC. 4. The judges of elections within the several precincts, shall cause separate columns to be ruled in the respective poll books, in which to record the votes given for and against the removal of the county seat from Coltonville, also columns in which to record the votes given for each place, and the returns of said election shall be made, and the votes counted in the same manner that is required by the laws of this State regulating elections. Duty of judges of election

SEC. 5. Donations of land shall be received at least twenty days previous to the first election provided for by this act, and any person or persons offering donations of land, shall file with the Treasurer of said county, a good and sufficient bond, with approved security, to be accepted by the said Treasurer, binding the said donor or donors, to execute a deed of general tenure, to the said county of DeKalb, for any quantity of land not less than one hundred and sixty acres, and on which the public buildings shall be erected, or donate to the county of De Kalb three thousand dollars, or erect within eighteen months from and after the passage of this act, a court-house, the estimate value of which shall be at least three thousand dollars, and to be accepted by the County Commissioners of said county, and no place shall be considered as eligible for the location of the county seat, unless the provisions of this section shall be fully complied with. Time when donation may be received

SEC. 6. It shall be the duty of the County Commissioners to cause special entries to be made of record, of the result of the said elections, and file and preserve the poll books for inspection; to lay off into lots, and dispose of any donation that may be received, to the best advantage for the interest of the county, also to dispose of the present county buildings and other property, should the county seat be removed; the proceeds of which shall be applied to the erection of public buildings which shall be erected without unnecessary delay. Duty of co. com'rs

SEC. 7. In case the seat of justice shall be removed, all the books, papers and records, belonging, or appertaining to the county of De Kalb, shall be removed to the place selected, as soon as suitable buildings can be obtained, and the Circuit Court of the said county shall be holden at such place as may be determined by the Judge presiding in the ninth Judicial Circuit, on the first day of the term thereof; and which determination or decision of the said Judge, shall prevent a dismissal or discontinuance of any suit in law, or in equity, or any other legal proceedings heretofore commenced and now pending, or which may be hereafter commenced on account of process being made returnable at any other place in said county, until the county seat shall be permanently located, and public buildings erected in accordance with the provisions of this act, any law to the contrary notwithstanding. Papers, books &c. of De Kalb county

SEC. 8. That the act entitled an act to re-locate the seat of justice of the county of De Kalb be, and the same is hereby Act repealed repealed.

APPROVED, January 30, 1840.

In force,  
Jan. 30, 1840.

AN ACT to legalize the assessment of the Revenue in the counties of Iroquois and Clay, for the year 1839.

Assessment in Iroquois and Clay for 1839, legalized

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment of the taxable property made in the counties of Iroquois and Clay, for the year one thousand eight hundred and thirty-nine, is hereby legalized and made binding, as though the same had been done in strict conformity with the provisions of the "Act concerning the Public Revenue," approved February the twenty-sixth, one thousand eight hundred and thirty-nine.

Persons aggrieved how to proceed

Proviso

SEC. 2. That any person feeling aggrieved by the valuation of taxable property in the counties aforesaid, shall be entitled to the provisions of the twelfth section of the "Act concerning the Public Revenue:" *Provided,* Application be made to the County Commissioners' Courts at their March term of said Courts, in the year one thousand eight hundred and forty, for such purposes.

SEC. 3. This act to be in force from its passage.

APPROVED, January 30, 1840.

In force,  
Jan. 30, 1840.

AN ACT to incorporate the town of Carmi.

Body politic and corporate

Name and style

Powers

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Carmi in White county, are hereby made a body corporate and politic, in law and in fact, by the name and style of the "President and Board of Trustees of the town of Carmi," and by that name shall have perpetual succession, and a common seal, which they may alter at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

SEC. 2. The boundary of the said corporation shall include all that country contained within the limits of the plat of the town of Carmi, as of record in the recorder's office of the county of White.

Annual election for trustees

Term of office

Notice of elections

Qualifications of trustees

SEC. 3. That there shall, on the first Monday of May next, be elected seven trustees, and on every first Monday of May thereafter, who shall hold their offices for one year, and until their successors are duly elected and qualified; and public notice of the time and place of holding said election, shall be given by the president and trustees, by an advertisement published in a newspaper in said town, or posting it up in at least four of the most public places in said town. No person shall be a trustee of said town, who has not arrived at the age of twenty-one years, who has not resided in said town six months next preceding his election, and who is not, at the time thereof, a *bona fide* freeholder, and moreover, who has not paid a cor-

poration tax; and all free white male inhabitants, over twenty-one years of age, who have resided in said town three months next preceding an election, shall be entitled to vote for trustees. And the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation, removal, or six months' absence from the town; and to appoint a clerk and assessor, a treasurer, a street inspector, and a town constable, to give bond and security in such amount as the trustees may require. And the said town constable shall take an oath, or affirm before some justice of the peace, that he will faithfully discharge the duties of said office; and it shall be his duty to collect all fines, and to serve all processes at the suit of the corporation, and to do such other matters and things pertaining to the office, as may be required of him by the ordinances and by-laws of said corporation.

Qualifications of voters

Election of president

Vacancies how filled

Other officers of town

Duty of constable

SEC. 4. The said corporation is hereby made capable, in law, to take and hold to themselves and their successors, any lands, tenements, hereditaments, and the rents, issues and profits thereof, which may be necessary for the erection of any market house, or other public buildings, to promote the interest and public good of the citizens of said town, and the same to sell, grant and dispose of, if necessary. They shall also have power to regulate, to grade, pave and improve the streets, lanes and alleys, within the limits of said town and corporation; and to extend, open and widen the same, making the persons injured thereby, adequate compensation; to ascertain which, the board shall cause to be summoned six good and lawful men, freeholders and inhabitants of said town, not directly interested, who (being first duly sworn for that purpose,) shall enquire into and take into consideration as well the benefits as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extending, widening, of any street, avenue, lane or alley; and shall moreover estimate the amount which other persons will be benefitted thereby; and shall contribute towards compensating the person injured; all of which shall be returned to the board of trustees, under their hands and seals; and the persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury. And they shall sue and be sued, plead and be impleaded, answer and be answered, in any court whatever.

May hold lands

Public buildings

Improvement of streets

Compensation to persons injured

Persons benefitted to pay assessment

SEC. 5. The trustees aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient; and to ordain and establish, and put into execution such by-laws, ordinances and regulations, as shall seem necessary for the

Rules and by-laws



Further powers government of said corporation, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things, which to them may seem necessary to do, and not contrary to the laws and constitution of this State.

Tax

To license shows &c.

Sale of lots for taxes

Proviso

Further proviso

Breaches of by-laws, how punished

Fines, how recovered

Suits, how brought

Duties of justices peace

Proviso

SEC. 6. The said trustees shall have power to levy and collect a tax not exceeding one half of one per cent. on all lots and improvements, and personal property lying and being within the incorporated limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, stores and groceries, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility, as the interest and convenience of the inhabitants of said town may require, and the circumstances render proper and expedient. And said trustees may adopt such modes and means for the assessment and collection of taxes as they may, from time to time, fix upon and determine; and to prescribe the manner of selling property, when the tax levied upon it is not paid: *Provided*, No sale of any town lots or other real estate shall be made, until public notice of the time and place shall be given by advertisement in the newspapers, or at four of the most public places in said town, at least fifteen days previous thereto: *Provided also*, All the provisions applicable to such sale of the law, entitled an act concerning the public revenue, in force February 26, 1839, shall be complied with.

SEC. 7. That the trustees of said town, or a majority of them, shall have power to preserve good order and harmony in said town; to punish open indecency, breaches of the peace, gambling, gaming houses, horse-racing, shooting, and all disorderly houses, and riotous meetings; to remove obstructions in the streets and public ways, and all nuisances, for which purpose they may make such by-laws and ordinances as to them may seem expedient, and not inconsistent with any public law of this State; and impose fines for the breach thereof, which fines shall be recoverable before any justice of the peace residing in said town. And all suits and judicial proceedings, under this act, shall be brought in the name and style of the President and Board of Trustees of the town of Carmi.

SEC. 8. It shall be the duty of any justice of the peace residing in said town, and he is hereby authorized and empowered, upon the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable, or any authorized county officer, to apprehend the offender or offenders, and bring them or him forthwith before him; and after hearing the evidence, if it shall appear that the said accused has been guilty of the violation of any such law or ordinance of the corporation, to impose such fine or imprisonment as shall be pointed out in such law or ordinance: *Provided*, Such fine shall not exceed five dollars, and imprisonment, not

to exceed twenty-four hours: *Provided, however,* That writs of *Further pro-*  
*certiorari* and appeals shall be granted from judgments un-<sup>viso</sup>  
 der this act, as in other civil cases; and in all criminal cases, Appeals from  
 the defendant shall be entitled to an appeal to the circuit court, judgment  
 by entering into bond or recognizance, as the case may require,  
 before the justice of the peace, within twenty days after the  
 rendition of the judgment, with such securities and in such  
 an amount as the justice may think right and proper; and all  
 fines imposed for a breach of the peace or violation of the  
 corporation ordinances, shall be paid into the treasury of said  
 corporation.

SEC. 9. That when any town lots or real estate shall be  
 sold for taxes, by virtue of this act, the same may be redeem-<sup>Redemption</sup>  
 ed at any time within two years from the date of such sale of lots sold  
 by the owner of said property, or his or her agent, executor for taxes  
 or administrator, paying to the treasurer of said town, for the  
 use of the purchaser of said property, the full amount of pur-  
 chase money, with interest at the rate of twelve per cent. per  
 annum, together with costs accruing thereon.

SEC. 10. That upon the application of the owners of two-  
 thirds of the front lots on any street or parts of a street, it shall  
 be lawful for the board of trustees to levy and collect a special<sup>Special tax to</sup>  
 tax on the owners of the lots on said street or parts of a street, grade & pave  
 according to their respective fronts, not to exceed one per<sup>streets</sup>  
 cent., for the purpose of grading and paving the side walks  
 on said street.

SEC. 11. That all ordinances of said trustees shall be fairly  
 written out, signed by the clerk and published in a newspaper<sup>Ordinances,</sup>  
 printed in the town, or posted up at three of the most public how made  
 places in said town; and no ordinance shall be in force until public  
 published as aforesaid.

SEC. 12. That justices of the peace and constables, who<sup>Fees of off-</sup>  
 are required to render services under this act, shall be entitled cers  
 to the same fees, and collect them in the same manner as now  
 is, or hereafter may be, provided by law.

SEC. 13. That the president, or any two of the trustees,<sup>Meetings of</sup>  
 shall have power to call a meeting of the board, by giving board of trus-  
 one day's notice thereof; and a majority shall constitute a tees  
 quorum to do business, but a minority shall have power to<sup>Quorum</sup>  
 adjourn from time to time, and compel the attendance of ab-  
 sent members, and in the event that the notice of an election  
 is not given, as required by this act, or from any other cause,  
 that an annual election should not be holden at the proper  
 time, it shall be lawful for the late clerk of the board, or any  
 two qualified voters in said town, at any time thereafter, to  
 give notice, as aforesaid, of the time and place of holding a<sup>Special elec-</sup>  
 special election, and the trustees elected at such special elec- tions  
 tion, shall have all the powers conferred by this act.

SEC. 14. The qualified voters, within the corporation, shall,  
 at the first annual election for trustees, vote for or against

This charter to be voted for or against becoming incorporated under the provisions of this act; and if two-thirds of all the votes given at said election is in favor of being incorporated, then this act to be in force, otherwise to be null and void. This incorporation may, at any regular annual election for trustees, be dissolved by two-thirds of the votes given being in favor of such dissolution, then this act shall be null and void.

APPROVED, January 30, 1840.

In force,  
Feb. 3d, 1840.

AN ACT to incorporate the Springfield Mechanics' Union.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Caleb Burchall, Thomas Lewis, Edmund R. Wiley, William D. Herndon, Simeon Francis, George R. Weber, Walter Davis, George Wood and R. F. Coffin, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name of the "Springfield Mechanics' Union," for the purpose of affording relief to the sick and disabled members thereof, and to the widows and orphans of deceased members; for the establishment of a common school and a public library, and for the promotion of literature, science, and the mechanic arts; and for no other purpose whatever.

SEC. 2. The said corporation, on the establishment of their common school, shall receive from the school commissioner of the county the same amount of money, in the same proportion, and apply the same to such tuition, in the same manner as other common schools are paid and kept: *Provided,* That the teachers or instructors of said school, shall be selected by the corporation, and be under the control of its by-laws.

SEC. 3. The said corporation, by the name of the "Springfield Mechanics' Union," is declared and hereby made capable, in law, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter or renew at pleasure; to make and adopt a constitution and by-laws for the government of the corporation, not inconsistent with the laws of this State, or the constitution of the United States, and the same to alter or amend whenever it may be deemed necessary: *Provided,* That the said corporation shall not hold more than five acres of land, with the improvements thereon, for a longer term than one year, except such as may be donated to, and for the sole use and behoof of, the corporation.

SEC. 4. The officers of this corporation shall consist of a president, vice president, secretary, treasurer, and a board of seven directors, who shall continue in office for the term of one year, and until their successors are elected, together with such other officers as may be provided for by the constitution and by-laws of the corporation. The duties, rights, privileges



and liabilities of the aforesaid officers to be defined by the constitution and by-laws of said corporation.

SEC. 5. All fines and forfeitures for non-attendance, delinquency, imposed by the constitution and by-laws provided for in the third section of this act, not exceeding twenty-five dollars in any individual case, shall be recoverable by action of debt, before any justice of the peace of the proper county by the said company, in their corporate capacity, which shall be for the use of the corporation. Fines and forfeitures

SEC. 6. This corporation shall not be dissolved, nor a dividend made of its funds, while there are seven resident members in favor of its continuance. Existence of corporation

SEC. 7. The Legislature hereby reserves the right to amend or repeal this act whenever, in their opinion, the public good may require it. Right reserved

SEC. 8. This act to be in force from and after its passage.

APPROVED, February 3, 1840.

AN ACT to amend an act to incorporate the La Salle Charity Hospital, approved, February 23, 1839. In force, Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporators, in the act to which this is an amendment, shall have two years from the time the canal commissioners shall select the land as required by the act to which this is amendatory, to comply on their part with the provisions of said act: *Provided,* It shall be the duty of the commissioners to select the land within three months from the passage of this act. Time allowed to corporators  
Proviso

APPROVED, February 1, 1840.

AN ACT authorizing the county commissioners of Union county to borrow money for certain purposes. In force, Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county commissioners of Union county, are hereby authorized to borrow from any person or corporation, a sum of money sufficient for the erection and completion of the necessary public buildings for the county and are empowered to execute any notes or bonds, bearing interest not exceeding twelve per cent. per annum, for the purpose of carrying out the intention of this act, which notes or bonds shall be binding on the said county of Union. Co. comr's may borrow money to complete public buildings

APPROVED, February 1, 1840.

In force, AN ACT to authorize Ira Minard, Read Ferson, Bela T Hunt and Darwin  
Feb. 1, 1840. Millington, to build a dam across Fox river.

Persons au- SEC. 1. *Be it enacted by the People of the State of Illinois,*  
thorized to *represented in the General Assembly,* That Ira Minard, Read  
build dam a- Ferron, Bela T. Hunt and Darwin Millington, their heirs and  
cross Fox ri- assigns, be, and they are hereby, authorized to construct, build  
ver and continue a mill-dam across Fox river, at the town of St.  
Charles, in the county of Kane, between the land held by them  
Proviso to the height of seven feet above low water mark: *Provided,*  
Said grant shall not be construed so as to prevent the State  
from improving said Fox river at that place, by dams, locks,  
or any other way, at any time hereafter, for the purpose of  
slack water navigation, or otherwise.

Construction SEC. 2. The said dam shall be constructed with a down  
of dam stream slope of two feet horizontal to one foot perpendicular  
rise, well and sufficiently planked over, for the purpose of al-  
lowing the safe passage of the descending trade of said river;  
and during the continuance of the said dam, said slope shall  
be kept in good repair. This act to take effect from and after  
its passage.

APPROVED, February 1, 1840.

In force, AN ACT to change part of a State road from Naperville, in Du Page  
Feb. 1, 1840. county, to Indian Creek, in McHenry county.

Com'rs to re- SEC. 1. *Be it enacted by the People of the State of Illinois,*  
locate road *represented in the General Assembly,* That Stephen J. Scott,  
Nathan Allen Jr., Ethan Grisworld, be, and they are hereby,  
appointed commissioners to view and relocate a certain State  
road from Naperville, heretofore in Cook county, now in Du  
Page county, to Indian Creek, in McHenry county, from the  
twenty-nine mile stake on the line of said road to Naperville.

Map of road SEC. 2. The said commissioners, as soon as they shall have  
completed said work, shall make out a map of that part of  
the said road so to be relocated, giving the course and dis-  
tances to be lodged with the clerk of the county commission-  
ers' court for the county of DuPage, which shall be recorded  
at length in the books of said court: *Provided, however,* That  
Proviso those persons interested in the relocating of the above road,  
shall defray all the expenses thereof.

Com'rs to be SEC. 3. The said commissioners shall, before they proceed  
sworn to relocate said road, be sworn before some justice of the  
peace faithfully to perform their duties; and so much of said  
road as shall be changed, shall be vacated.

APPROVED, February 1, 1840.

AN ACT in relation to the publication of the reports of the decisions of the Supreme Court of the State of Illinois. In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the reporter of the Supreme Court of this State, to deliver to the Secretary of State, such number of copies of the respective volumes of the reports of said court, as may be necessary to enable the said secretary to distribute the same, in the manner provided in the second section of this act, together with one hundred copies in addition, to be deposited in the Secretary's office, for the use of the State. Duty of re-  
porter  
Distribution  
of Reports

SEC. 2. It shall be the duty of the Secretary of State to distribute the said reports, in the manner following, to wit: he shall deliver one copy to each of the justices of the Supreme Court, and the respective judges of the circuit courts; one copy to the Attorney General, each State's attorney, and to each clerk of a court of record in this state, except the Supreme Court; one copy to each probate justice, and five copies to the clerk of the Supreme court; one copy to the Executive of each State in the United States, and five copies to the Executive of the United States; and one copy to each of the officers of the Executive department of this State, who are required to keep their offices at the seat of government. Secretary of  
State to dis-  
tribute rep'ts  
To whom dis-  
tributed.

SEC. 3. Upon the delivery of the requisite number of any volume of said reports, it shall be the duty of the Secretary of State to deliver to said reporter a certificate, specifying the number of copies of said reports, which shall have been delivered to him, and on presentation of said certificate to the auditor of public accounts, he shall issue his warrant upon the treasury for such an amount as said volumes shall amount to, at the price for which said books shall be sold to individuals: *Provided*, said price shall not exceed the ordinary price of law books of the same description, to be determined by the Auditor, Treasurer, and Secretary of State. Certificate to  
reporter  
Duty of Audi-  
tor  
Proviso

APPROVED, February 1, 1840.

AN ACT to legalize the assessment of taxes taken in the counties of McHenry and Stark, in the year 1839. In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the assessment of taxes taken in McHenry and Stark counties in the year 1839, shall be good and valid, and in every respect legal as if the same had been taken under the provisions of the act concerning the public revenue, approved Feb. 26, 1839. Assessment  
legalized

APPROVED, February 1, 1840.



In force, AN ACT to amend "An act authorizing Samuel Witters to build a toll  
Feb. 1, 1840. bridge across the Skillet Fork of the Little Wabash."

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the aforesaid Witters, or his legal representative, is hereby allowed to demand and receive the following rates of toll from each person or persons for crossing said bridge, to wit: for each head of hogs, sheep, or goats, crossing said bridge, one cent; for each head of cattle, horses, mules or asses, the sum of three cents; for each foot passenger, six and one fourth cents; for each man and horse, twelve and a half cents; for each one horse waggon or carriage, eighteen and three fourth cents; for each two horse waggon drawn by horses or oxen, twenty five cents; for each four horse waggon, thirty seven and a half cents, whether drawn by horses or oxen; for each six horse waggon, whether drawn by horses or oxen, fifty cents; the said Witters shall be allowed to demand and receive for any species of property not herein enumerated in proportion to the above rates of toll.

Rates of toll

Persons exempt from toll

Said Witters shall not be allowed to exact any toll from people going to or returning from worshipping Almighty God. This act to take effect and be in force from and after its passage.

APPROVED, February 1, 1840.

In force, AN ACT concerning sheriffs, coroners, constables, justices of the peace,  
Feb. 1, 1840. and probate justices of the peace.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any Sheriff, Coroner, Constable, Justice of the Peace, or Probate Justice of the Peace in this State, shall, after proper demand made, fail, neglect, or refuse, to pay over any sum or sums of money, collected or received by such officer, in, and by virtue of his office, his said office shall be forfeited and vacated.

When officers fail to pay moneys collected office to be vacated

**SEC. 2.** Whenever in pursuance of the laws of this State, any judgment shall be had, or taken, against any sheriff, coroner, constable, justice of the peace, or probate justice of the peace, for any failure neglect or refusal of such officer, to pay over any sum, or sums of money collected or received by him, in and by virtue of his office, and it shall appear to the satisfaction of the court, that proper demand for the same has been made, it shall be the duty of the court, or justice of the peace, before whom such judgment is had or taken, further to adjudge and decree that the office of such officer, so failing, neglecting, or refusing, as aforesaid, is forfeited and vacated, and such vacancy shall be filled as in other cases of vacancy, as is now provided by law.

When office to be forfeited and vacated

APPROVED, Feb. 1, 1840.

AN ACT to amend the several laws in relation to the Illinois and Michigan Canal.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the commissioners of the Illinois and Michigan canal to sell so much of the canal lands and lots, the present year, as may be required to pay the interest on loans made for canal purposes; sales made under this act shall be conducted and under the same restrictions as required by the act to which this is an amendment: *Provided, however,* If the commissioners shall be of opinion the interest of the State requires more than ten per cent. to be paid at the time of sale, they shall state in their advertisements the amount that will be required to be paid at the time of purchase.

Canal commissioners to sell lands and lots  
Proviso

SEC. 2. Where timber land is selected for sale, it shall be the duty of the commissioners to divide it into small lots, not to exceed forty acres in one lot, and to require one fourth of the purchase money to be paid at the time of purchase, and the balance to be paid in three annual instalments, with six per cent. interest, paid in advance for the first year. Sales made under the provisions of this act shall be subject to the same forfeitures and restrictions as required in the several acts authorizing the sales of canal lands.

Timber land divided in small lots  
Purchase money  
Restriction

SEC. 3. There shall be one principal engineer, who shall have a salary of two thousand dollars per annum; there shall be one resident engineer, who shall have fifteen hundred dollars per annum; there shall be seven assistant engineers, who shall each have a salary of one thousand dollars per annum. And the engineers aforesaid shall not receive any other compensation for their services, under any pretence whatever: *Provided,* that the work on the canal progresses. But it shall be the duty of the board of canal commissioners to discharge such assistant engineers, whenever said work is suspended.

Principal engineer  
Resident engineer  
Assistant's Salaries  
Proviso

SEC. 4. It shall be the duty of the commissioners, when any person or persons claim damages that they may have sustained, by the construction of the Illinois and Michigan canal, to settle with any such person or persons for the damages they may have received, and pay the same: *Provided,* If the commissioners are of opinion the claim is too high, and the claimant will not take a fair compensation, they shall call the appraisers as required in the act to which this is an amendment, and they shall proceed, as required in said act. Said appraisers shall receive a reasonable compensation, not to exceed five dollars per day, for their services, for the time necessary to perform the duties required of them as such appraisers, and shall be paid out of the canal fund.

Damages claimed, how adjusted  
Proviso

SEC. 5. That the board of public works of this State, whose appointment is provided for in a bill, entitled "An act to provide for the settlement of debts and liabilities incurred

Bo'd of public shall be, and they are hereby, authorized to employ not exceeding four assistant engineers, at a salary not exceeding one thousand dollars per annum.

Salaries of en- SEC. 6. That the compensation of the chief engineer, gineers whose appointment is provided for in the bill referred to in the preceding section, shall be two thousand dollars per annum, any bill or law to the contrary notwithstanding.

Act changed SEC. 7. The act passed February 27, 1839, entitled "An act to provide for a loan for canal purposes," is hereby so changed as to authorize the interest upon bonds hereafter sold under the provisions of said act to be paid semi-annually.

Auditor to set- SEC. 8. The Governor, Auditor, and Treasurer of this the accounts State, shall settle the accounts of the several agents employed by the Governor, within the last year, to negotiate canal loans, or to convey funds from eastern cities to this State, and allow them respectively, a compensation of five dollars a day for the time occupied by them in the performance of those services; except in case where a different agreement has been made with them by the Governor; and if any such agent has retained a greater compensation than herein allowed, he shall be required to refund the overplus, and the same shall be added to the canal fund: *Provided*, That no person shall be entitled to receive from the State a *per diem* compensation for services performed in two or more different capacities at the same period of time.

Proviso

SEC. 9. Should there be no funds on hand to meet the liabilities of the State to the contractor, for labor done on the Illinois and Michigan canal, at the estimate to be made on the first of March next, it shall be the duty of the commissioners of said canal to issue their checks to contractors for such amount as may be found then due, as now provided by law, and payable whenever funds have been deposited for that purpose, bearing an interest at the rate of six per cent: *Provided*, That this provision shall not extend to estimates made after said first day of March next: *Provided, also*, That in no case shall such checks be issued for a smaller amount than one hundred dollars.

Com'rs to is- sue checks to pay contrac- tors.

Checks to bear 6 per ct. interest

Proviso

APPROVED, February 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT to change the name of the county of Dane to that of Christian.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the county of Dane shall hereafter be Christian.

APPROVED, Feb. 1, 1840.

Christian co.



AN ACT making partial appropriations.

In force,  
Jan. 8, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be, and he is hereby required to draw warrants on the treasury for the sum of one hundred dollars to each member of the General Assembly, and a like warrant to the Speaker of each House, the Secretary of the Senate, and the Clerk of the House of Representatives, and Assistants of each House, to each of the Enrolling and Engrossing Clerks, and door-keepers, and each Assistant door-keeper, of both Houses.

APPROVED, January 8, 1840.

Duty of auditor  
or  
Members of  
Gen. Assembly,  
\$100,  
Speakers, Sec.  
of Senate, Clk  
of H. R., As-  
sistants, Enr.  
and Eng. Clks  
Door-keepers,  
and Assist-  
ants, \$100

AN ACT making additional appropriations for the years 1839 and '40.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be allowed to the Speaker of the House of Representatives and the Speaker of the Senate, each, the sum of seven dollars per day and four dollars for every twenty miles necessary travel, in coming to and returning from the seat of government of this State.

Speaker of Se-  
nate & House  
of Represent's  
Mileage

SEC. 2. To each member of the Senate and House of Representatives the sum of four dollars per day for every day's attendance at the present session of the General Assembly, and four dollars for every twenty miles necessary travel, in coming to and returning from the seat of government.

Members of  
Senate and H.  
Represent's  
Mileage

SEC. 3. To the Secretary of the Senate and principal Clerk of the House of Representatives six dollars per day, and to each assistant clerk of the Senate and House of Representatives the sum of six dollars per day. The number of days employed to be certified by the clerk of each House respectively.

Sec'y of Sen.  
and Principal  
clerk of H. R.  
Assist't clerks

SEC. 4. To the engrossing and enrolling clerk of each house five dollars per day, and to each assistant engrossing and enrolling clerk of both houses four dollars per day. The number of days employed to be certified by the engrossing and enrolling clerks.

E. & E. clerks  
Assistants

SEC. 5. To the door keeper of each House, four dollars per day.

Doorkeepers

SEC. 6. To Andrew Johnson four dollars per day, during the time employed in reading bills, messages, &c. for the House of Representatives, and six dollars per day during the time he acted as assistant clerk of the House at its present session.

A. Johnson

SEC. 7. To David Prickett six dollars per day during the time he acted as clerk of the House at its present session, the number of days employed to be certified by the Speaker.

D. Prickett

- W. L. Graves SEC. 8. To William L. Graves fifteen dollars and fifty cents, amount expended by him in going to Pike county to summon witnesses in the contested case between Richard Kerr and Oscar Love; and to F. B. Hicks the sum of four dollars per day and fifteen dollars for expenses in going to Coles to summon one witness in the same case. The number of days to be certified by the Speaker.
- Mileage to old officers SEC. 9. To the officers of the Senate and House of Representatives, who were chosen at the last session of the General Assembly, and who are in attendance at the present session, the sum of two dollars for every twenty miles necessary travel in coming to and returning from the seat of Government, except such as are herein otherwise allowed travelling fees.
- Exception
- J. Cook SEC. 10. To Isaac Cook four dollars per day, for nineteen days, in summoning witnesses on the charges preferred against the Hon. John Pearson, by James M. Strode and others, and fifty dollars for expenses.
- J. Taylor To John Taylor four dollars, for articles furnished for the burial of the Hon. James Copeland.
- H. Woodson To Harriet Woodson for articles furnished, and services rendered in the same case, five dollars.
- J. Brewer To John Brewer five dollars for digging the grave for the Hon. James Copeland.
- Sec'y of Council of Revision To the secretary of the council of revision four dollars per day; the number of days employed to be certified by the council of revision.
- T. Moffett To Thomas Maffit five dollars, for swearing the new members of the House of Representatives, and swearing witnesses in the Pike county contested seat, and on the charges preferred against the Hon. John Pearson.
- J. N. English To John N. English, for fifteen days attendance as assistant door-keeper to the House of Representatives, four dollars per day.
- L. T. Jemison To L. T. Jemison, clerk of the joint select committee, appointed to investigate the affairs of the State Bank, four dollars per day; the number of days employed to be certified by said committee.
- Sec'y of Sen. and Prin. cl'k H. R. To the secretary of the Senate and principal clerk of the House of Representatives, the sum of two hundred and fifty dollars each, for furnishing a copy of the Journals of the proceedings of the two branches of the Legislature for publication.
- Doorkeep'r of Coun. Revis. To the door-keeper of the council of revision three dollars and fifty cents per day, the number of days employed to be certified by the Governor.
- Ass't doork'r Sen. & H. R. To each assistant door-keeper of the Senate and House of Representatives four dollars per day.
- O. Love To Oscar Love four dollars per day, during the time he held his seat as a Representative from the county of Pike; the

number of days to be certified by the clerk of the House of Representatives, and the same rate of mileage as other members.

To A. Trailer thirty-one dollars and fifty cents for making a coffin, and other services rendered in the burial of the Hon. James Copeland.

To James T. Collier three dollars and fifty cents per day, for attending to the offices of Secretary of State, and to the engrossing and enrolling clerks of each House; the number of days employed to be certified by the Secretary of State.

To H. E. Bridge & Co. the sum of five hundred and eighty-four dollars and ninety-seven cents, being in full for articles furnished for the use of the State.

To Joseph Thayer & Co. seventeen dollars and nineteen cents, in full, for articles furnished for the use of the State.

To John H. Smith twelve dollars and fifty cents for hawling saw dust for the use of the House of Representatives.

To C. B. De Reimer & Co. twelve dollars for articles furnished for the use of the office of Secretary of State.

To Robert Irwin & Co. two hundred and sixty-five dollars, in full, for articles furnished for the State.

To A. Trailer thirty dollars, in full, for articles furnished for the use of the State.

To the Secretary of State, for copying laws, making marginal notes, and index to the same, and making index to the Journal of the Senate and House of Representatives, reading proof sheets and superintending printing, the sum of five hundred dollars.

To A. P. Field, for his expenses to Louisville to purchase stationary for the Legislature of 1837 and 1838, the sum of seventy-five dollars.

To James P. Langford two hundred and thirty dollars and six cents, in full, for work done and materials furnished for the State.

To John G. Burgan, for the use of the first Presbyterian church, fifteen dollars for work done for the use of the State.

To S. M. Tinsley sixty-four dollars and seven cents, for articles furnished for the use of the State.

To John Hart two dollars and thirty-eight cents, for drayage of wood for the Council of Revision.

To Joseph Thayer twenty-five dollars, for the rent of a room for the engrossing and enrolling clerk of the House of Representatives.

To E. H. Bridges & Co. one dollar and twenty-five cents, for articles for the use of the State.

To John Clifton eighteen dollars and seventy-five cents, for the use of a room, fire and lights, furnished for the committee appointed to investigate the affairs of the State Bank.

To C. Birchall & Co. one hundred and thirty seven dollars and seventy-five cents, in full, for articles furnished for the use of the State.



- Webster and Hickox To Webster and Hickox, for articles furnished for the funeral of the Hon. James Copeland, five dollars.
- G. Elkin To Garrett Elkin, for a room furnished for the use of the Council of Revision, the sum of fifty-seven dollars.
- P. Beers To P. Beers, for the use of the Christian church, by the Supreme court, at the last July term, the sum of fifty dollars.
- Prot. Episcopal church To the wardens and vestrymen of the Protestant Episcopal church, for the use of said church by the Supreme court at its present session, the sum of fifty dollars.
- Trustees 2nd Presbyterian church To the trustees of the second Presbyterian church, the sum of two hundred dollars, for the use of their church as a Hall for the House of Representatives.
- M. K. Anderson To Moses K. Anderson, adjutant general of the Illinois militia, the sum of twenty dollars and eighty-two cents for services rendered in the year 1839, from the fifteenth day of October last to the 31st of December, 1839.
- Trustees 2nd Presbyterian church The trustees of the second Presbyterian church may retain the four stoves now in the same, for the use of said church, until said stoves be required for the use of the State.
- Duty of Auditor The Auditor of Public Accounts shall issue his warrant on the Treasurer in favor of the different persons heretofore named for the several sums annexed to their respective names.
- Inspectors of Penitentiary The Auditor shall issue his warrant in favor of the inspectors of the Penitentiary for such sum or sums as may be certified by them, to be necessary to pay guards for securing convicts in the Penitentiary, for which there are no cells: *Provided*, they shall not pay more than one dollar and twenty-five cents per day for each guard necessarily employed.
- J. L. Lamb SEC. 11. To James L. Lamb the sum of eighteen dollars and fourteen cents, for candles.
- Rankin and Edwards To Rankin and Edwards, eight dollars.
- Methodist E. church To the Methodist Episcopal church, for the use of house by the Senate, the sum of one hundred and fifty dollars, and the use of the stoves and other furniture until called for by the Senate.
- G. T. Edwards To George T. Edwards, for assisting the sergeant at arms, the sum of four dollars.
- Prot. Episcopal church The additional sum of fifty dollars for the use of the Episcopal church.
- T. Bryant To Thomas Bryant, sheriff of Peoria county, the sum of one hundred dollars, for apprehending Wm. B. Thomson, a convict who escaped from the Penitentiary in 1836, and delivering him to the warden of the penitentiary in 1839.
- P. A. Saunders SEC. 12. To P. A. Saunders, for rent for a room for the clerks' office of the Supreme court, from the 29th of July, 1839, at the rate of seven dollars per month, to be paid on the certificate of the clerk of said court.
- D. Ragsdall To D. Ragsdall the sum of sixteen dollars, for four days services as assistant sergeant at arms at the present session.

To John Williams, for fitting up room for the sittings of J. Williams the Supreme court, twenty-five dollars, July term.

To Mr. Hough, for furnishing coal for the use of the Supreme court, sixteen dollars. Mr. Hough

The Board of Public Works provided for, and created by the provisions of an act to provide for the settlement of debts and liabilities incurred on account of Internal Improvement, in the State of Illinois, passed at the present session of the General Assembly, are hereby prohibited from letting any additional contract upon any rail road, turnpike road, or river works. No new contracts to be let on public works.

in this State, until further authorized by law so to do.

APPROVED, February 1, 1840.

AN ACT authorizing the revaluation of sections number sixteen, in certain cases.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where a majority of the inhabitants of any township in this State, shall be of opinion that section number sixteen, or any part thereof, has been valued at a rate so high as to prevent the sale thereof, and shall by petition set forth that fact, to the trustees of said township, they shall cause the same to be revalued, and re-offered for sale, in the same manner as though no valuation had been previously had thereon: *Provided,* That in no case of a second valuation, shall it be legal to fix the value thereof below the rates at present fixed by law; this act to be in force from and after its passage.

When lands have been valued too high, may be revalued.

APPROVED, Feb. 1, 1840.

AN ACT to resurvey a part of the State road leading from Decatur to Danville.

In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Zorges, Elisha Querry and Joseph Spangler, be, and they are hereby appointed commissioners, to view, mark, and relocate, so much of the State road, leading from Decatur to Danville, as lies between the Sangamon river and the section line north east of the residence of Guy Helm.

Com'rs to relocate road

SEC. 2. That the said commissioners, or a majority of them, shall meet at the House of Guy Helm, on the first Monday of April, or within six months thereafter; and after being sworn before some justice of the peace, shall proceed to view, mark, and relocate said road on the most eligible ground.

Time & place of meeting.

APPROVED, Feb. 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT in relation to certain roads in Greene county.

Road from  
Whitehall to  
Illinois river,  
valid

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the survey and location of the road from White Hall to the Illinois river, as located by the Commissioners appointed under "An act authorizing the county commissioners' court to construct certain roads in Greene county," approved March 2, 1839, shall be deemed as good and valid as if the same had been done according to the provisions of the above recited act.

SEC. 2. The roads mentioned in the aforesaid act shall be deemed State roads, and kept in repair as other State roads are.

APPROVED, February 1, 1840.

In force  
Jan. 30, 1840.

AN ACT changing the times of holding circuit courts in Jersey, Cass, and Scott counties.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding the circuit courts in the counties of Jersey, Cass, and Scott, shall hereafter be as follows:

Times of  
holding courts  
in Jersey.  
Cass.

In the county of Jersey, on the Thursdays before the first Mondays in May and November.

In the county of Cass, on the Thursdays before the fourth Mondays in May, and first Mondays in October.

Scott.

In the county of Scott, on the fourth Monday in May, and first Mondays in October; and all causes depending in said courts respectively, shall stand for trial at the terms aforesaid, and all process which has been or may be issued, returnable to the terms as heretofore fixed by law, shall be deemed and held to be returnable, at the terms fixed by this act, and all recognizances or obligations required to be complied with in the said courts, at the terms heretofore provided for, shall be deemed and held as recognizances or obligations to be complied with at the terms fixed by this act.

Return of  
process.

APPROVED, January 30th, 1840.

In force,  
Jan. 30, 1840.

AN ACT relating to certain records in the counties of Franklin, William-son, Morgan, and Cass.

Records of  
Franklin.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Franklin county, be, and they are hereby authorized to contract with any suitable person, for the transcribing, into suitable books, all deeds and other instruments of writing, heretofore recorded in said recorder's office, and that they be allowed to pay such person a reasonable compensation for his services.



SEC. 2. The county commissioners' courts, of the counties of Williamson, and Cass, be, and they are hereby, authorized to contract with any suitable persons to transcribe, into suitable books for that purpose, all deeds, and other instruments of writing, heretofore recorded in the recorder's office of the counties of Franklin and Morgan, which in any wise affect the interest, or belong to, the counties of Williamson and Cass, and that they pay such persons a reasonable compensation for their services.

This act to take effect and be in force from and after its passage.

APPROVED, January 30th, 1840.

AN ACT fixing the time of holding the Summer term of the Supreme Court. In force, Feb. 1st, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the summer term of the Supreme Court shall commence on the first Monday in June, in each year, and all parts of laws inconsistent with this act are hereby repealed.

APPROVED, February 1st, 1840.

AN ACT in relation to the county of Williamson.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Secretary of State be required to furnish to the judge of the third judicial circuit, and to the clerk of the circuit court of the counties of Franklin and Williamson, a certified copy of a law passed at the present session, entitled "an act to amend an act to amend an act establishing the county of Williamson."

SEC. 2. The judge of the third judicial circuit is hereby required to hold courts in the county of Williamson, at the town of Marion, in pursuance of law.

APPROVED, January 31st, 1840.

AN ACT requiring School Commissioners to distribute school funds at the county seats. In force, Jan 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the School Commissioners of the several counties of this State, to distribute the school funds to the teachers and treasurers of townships, in their respective counties, at the county seats of said counties: And it shall also be the duty of said commissioners, to give four weeks public notice of the time of making such distribution.

APPROVED, January 31st, 1840.

In force, AN ACT fixing the times of holding Courts in the Sixth Judicial Circuit.  
March 1, 1840.

Time of hold- SEC. 1. *Be it enacted by the People of the State of Illinois,*  
ing courts in *represented in the General Assembly,* That the circuit courts of  
the several counties composing the sixth judicial circuit, here-  
inafter named, shall be holden at the county seat of said coun-  
ties at the times following:

Stephenson In the county of Stephenson, on the first Mondays in April  
and September.

Winnebago In the county of Winnebago, on the Thursdays after the first  
Mondays in April and September.

Boone In the county of Boone, on the first Thursdays after the  
second Mondays in April and September.

Lee In the county of Lee, on the third Mondays in April and  
September.

Whiteside In the county of Whiteside on the first Thursdays after the  
third Mondays in April and September.

Rock Island In the county of Rock Island, on the fourth Mondays [in]  
April and September.

Carroll In the county of Carroll on the next Mondays after the fourth  
Mondays in April and September.

Jo Daviess In the county of Jo Daviess, on the second Mondays in May,  
October, and February.

Writs and SEC. 2. All writs, subpoenas, and other process, which may  
process be issued and made returnable to the terms of courts in said  
circuit, as heretofore required to be holden, shall be deemed  
and taken to be returnable to said courts, as required to be  
holden under this act; and all proceedings pending in any of  
said courts, shall be taken up and disposed of according to law,  
as if no alteration had been made in the times of holding said  
courts.

This act to take effect and be in force from and after the  
first day of March next.

APPROVED, January 29th, 1840.

In force, AN ACT to amend "An act establishing the county of Williamson," ap-  
Jan. 18, 1840. proved February 28, 1839.

Williamson SEC. 1. *Be it enacted by the People of the State of Illinois,*  
attached 3d *represented in the General Assembly,* That the county of Wil-  
judicial cir- liamson be attached to, and form a part of, the third judicial  
cuit circuit of the State of Illinois, and the Judge of said circuit is  
Duty of judge hereby required to appoint a circuit clerk in said county, and  
to hold court to hold circuit courts in said county, on the Monday after the  
in circuit court circuit court in the county of Johnson, until otherwise di-  
Time of court rected.

Duty of audit- SEC. 2. Until a new apportionment is made, the Auditor of  
or to pay- Public Accounts shall issue his warrant in favor of the School  
school fund to Commissioner and agent for the inhabitants of Williamson  
Williamson county, for one-half of the distributive share of the school fund,  
county

belonging to the county of Franklin, under the last apportionment.

SEC. 3. The county of Franklin and Williamson, at the next general election for Senator and Representatives to the General Assembly, shall each be entitled to elect one Representative, and the county of Williamson shall vote with the counties of Franklin and Jackson, for Senator; and the clerk of Williamson county shall be required to perform all the duties in relation to such election, as is required of the county clerk of the county of Jackson.

SEC. 4. The official acts of all officers rendering services in their official capacities, in the counties of Williamson and Franklin, since the first Monday in August last, are hereby declared to be legal as though no division had taken place; and the election of all officers which took place in the counties of Williamson and Franklin, on the first Monday in August last, is hereby legalized, and commissions required to be issued accordingly: and the clerk of the county commissioners' court of Franklin county, is hereby required to hand over to the county clerk of Williamson county, all bonds which he may have received of officers elected in the county of Williamson, at such election, and said bonds shall be filed in the clerk's office of said county, and be in force as though they were given to such clerk.

SEC. 5. The act establishing Frankfort the county seat of Franklin county, is hereby repealed.

This act to be in force from and after its passage.

APPROVED, January 18th, 1840.

AN ACT exempting certain articles from execution, in addition to those already exempt by the laws of this State. In force. June 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois,* That each person, being the head of a family, and residing with the same, shall retain, exempt from execution, in addition to the property now exempt by the laws of this State, one horse, or yoke of oxen, not exceeding in value sixty dollars: *Provided,* Such head of a family shall follow the cultivation of the soil, for the maintenance of himself and family, or should such head of a family be a mechanic, and follow the art of his profession, for the maintenance of himself and family, such mechanic shall retain sixty dollars worth of tools suited to his profession.

SEC. 2. Should any disagreement arise between any officer and defendant in execution, about and concerning the value of any species of property allowed by the first section of this act, it shall be the duty of such officer forthwith to summon two disinterested householders, who, after being duly sworn by some justice of the peace, shall proceed to appraise said pro-



perty, as each defendant may select, as mentioned in the first section of this act, not exceeding in valuation sixty dollars. This law to take an effect upon all contracts, or cause of actions, accruing from and after the first day of June next.

APPROVED, February 1st, 1840.

In force, Jan. 29, 1840. AN ACT fixing the times of holding the spring terms of the circuit courts in the counties of Coles and Champaign, and authorizing an additional term of the circuit courts of Vermilion and Edgar counties.

Spring terms of courts in Coles and Champaign  
 Exceptions  
 Time of courts  
 Process returnable

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the spring terms of the circuit courts, for the counties of Coles and Champaign, shall be commenced at the times hereinafter specified, and shall continue to be held from day to day, (Sundays excepted) until the business shall be disposed of, unless it shall be necessary to close the term to enable the judge to attend in the next county to hold court, viz: in the county of Coles, on the third Monday in the month of March; in the county of Champaign on Wednesday before the first Monday in June.

SEC. 2. All process, suits, and recognizances, which have been, or may be, entered into, and made returnable, to the said courts as at present arranged, shall be taken and considered to be returnable to the terms fixed by this act, and all proceedings, either civil or criminal, which are now pending, shall be taken up and disposed of according to law, in the same way as if no alteration had been made in the times of holding such courts.

Additional terms of courts in Vermilion and Edgar

SEC. 3. There shall be an additional term of the circuit court held annually, in the counties of Vermilion and Edgar, at the times herein directed, viz: In the county of Vermilion, on the first Monday in June, and in the county of Edgar on the second Monday of June.

Acts repealed

SEC. 4. This act repeals all acts and parts of acts coming within its provisions, and shall be in force from and after its passage.

APPROVED, January 29th. 1840.

In force, Jan. 18, 1840. AN ACT to amend an act entitled an act to amend the several acts in relation to common schools, approved March 4, 1837.

Part of act repealed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the act entitled "an act to amend the several acts in relation to common schools," as requires two-thirds of [the] votes to be in favor of becoming incorporated, is hereby repealed: And hereafter it shall only be necessary for a majority of the legal voters of any township in this State, to vote for becoming incorporated,

to entitle them to all the provisions of the act to which this is an amendment.

APPROVED, January 18th, 1840.

AN ACT to authorize and require the school commissioner of Sangamon county to pay over certain school funds to the school commissioners of Jan. 28, 1840. Menard, Logan, and Dane counties.

SEC. 1. *Be it enacted by the People of the State of Illinois,* Commissioner represented in the General Assembly, That as soon as the school of Sangamon commissioners of Menard, Logan, and Dane counties, shall pay mone- shall pay mone- ies to Menard, &c enter into bond with the county courts of their respective coun- ties, for the proper discharge of their duties, and present a certificate of the county clerks of their respective counties, certifying to the facts of their having been thus authorized to receive said funds, the school commissioner of Sangamon county, be, and he is hereby, required to pay over the township funds belonging to the several townships within the limits of the counties of Menard, Logan, and Dane.

SEC. 2. The Auditor of Public Accounts shall apportion Duty of audit- the funds to be distributed on the first Monday in January or next for the use of schools in Sangamon county, in the follow- ing proportions, to wit: to Menard county, five hundred dol- Proportions lars; to Logan county, two hundred and fifty dollars; to Dane to counties county, two hundred and fifty dollars.

SEC. 3. All abstracts and schedules, and other useful papers, Schedules, comprising maps, reports of trustees, and all other useful pa- maps, reports, pers that have been, or may hereafter be, presented to the &c school commissioner of Sangamon county, that properly be- long to any and all of the several townships within the limits of the counties mentioned in the first section of this act, shall be furnished to the proper commissioners, on or before the thirti- eth day of December, 1839, if application be made for the same.

SEC. 4. It shall be lawful, hereafter, for the county courts New counties of all new counties, formed, or to be formed, in this State, after to appoint the organization required by law, to appoint a school commis- school com- sioner; and said commissioner, on producing evidence of his missioners appointment, as required by the first section of this act, is hereby authorized to demand, sue for, and receive from, the county or counties from which the same shall have been tak- en, or out of which such new county, was, or may be, formed, all moneys, papers, or other valuable things, that of right be- long to the inhabitants of said new county.

SEC. 5. The school commissioners of Menard, Logan, and Dane counties, shall be allowed to receive schedules and ab- Schedules, &c stracts of schools, up to the second Monday of January next; and of Menard, &c they shall also be allowed the further time of one week to pre- pare for paying claims, but nothing herein contained shall be

so construed as to delay paymenters longer than the third Monday of January, A. D. 1840.

Commissioner  
of Schuyler to  
withhold  
money till  
commissioner  
of Brown shall  
file schedules

SEC. 6. That the school commissioner of Schuyler county, Illinois, shall be required to withhold payment of any part of that portion of the interest on the school, college, and seminary fund, drawn by said commissioner for the use of schools of said county, for the year eighteen hundred and thirty-nine, until the school commissioner of the county of Brown, shall present the schedules of teachers of schools in the said county of Brown, which may be made out according to law, and the said commissioner of Schuyler shall then apportion the said fund amongst the several teachers of both [of] said counties, as the law required previous to the creation of the county of Brown: *Provided*, The school commissioner of Brown county shall present said schedules to the commissioner of Schuyler county, on or before the first day of June next.

Proviso

County school  
fund of Brown

SEC. 7. That the school commissioner of Schuyler county shall be required to settle with, and pay over to, the school commissioner of Brown county, such portion of any county school fund, which may be in his hands, to which the county of Brown may be equitably entitled, in consequence of the division of the said county of Schuyler: and that the data by which the apportionment and division of any such fund shall be made, shall be fixed upon by the two commissioners of said counties, and in case of their disagreement, it shall be apportioned according to the number of the votes polled for the candidates for Congress, within the limits of said counties, in the year 1837.

Com'r of Put-  
nam to pay  
com'rs of Mar-  
shall and  
Stark

Am't to Bu-  
reau

SEC. 8. The school commissioner of the county of Putnam is hereby required to pay over to the school commissioners of the counties of Marshall and Stark, the one half of the annual interest received by him, from the State treasury, on the college, school, and seminary funds (after first deducting the amount required by law to be paid to the county of Bureau) in the following proportion, to wit: to the county of Marshall, one-third part; and to the county of Stark, one-sixth part of the whole remaining fund, as aforesaid. The distributions and divisions authorized by this act, to continue to be made as aforesaid, until a distribution is made under the next census.

APPROVED, January 27th, 1840.

In force,  
Jan. 29, 1840.

AN ACT to provide for holding an additional term of the circuit court in the county of Peoria.

Spring term of  
circuit court,  
De Kalb coun-  
ty

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the spring term of the circuit court in the county of De Kalb, shall be held on the first Monday in June annually, and all writs and other process which may be issued and made returnable, at the term of said



court as heretofore required to be holden, shall be deemed and taken to be returnable to the said term as required to be held by the provisions of this act.

SEC. 2. In addition to the regular terms of the circuit court in the ninth judicial circuit, there shall be held, in the county of Kane, a term of said court, on the second Monday in July, and in the county of Peoria, on the fourth Monday in July, annually.

APPROVED, January 29th, 1840.

AN ACT to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois.

In force,  
Feb. 1st, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois,* That there shall be elected by the joint vote of the two Houses of the present General Assembly, and by each regular General Assembly hereafter, one Fund Commissioner, who shall give bond and qualify, in the same manner that Fund Commissioners were required to give bond and qualify, by and under the provisions of an act, entitled "an act to establish and maintain a general system of Internal Improvements, passed 27th February, 1837," and the acts supplemental and amendatory thereto, and who shall perform the same duties that were required to be performed by the Fund Commissioners, under the provisions of the laws aforesaid, except that he shall not be authorized to sell State bonds, or borrow money on behalf of the State, unless hereafter authorized by law. It shall be the duty of the Fund Commissioner to receive all Iron which may have been purchased for the use of the State of Illinois, at whatever port landed in the United States; and to provide for its transportation to the State of Illinois; and to pay all duties, or execute bonds therefor, in conformity with the several laws of Congress, relating to railroad iron, freight and charges upon the same; and to enable the fund commissioner to make such payments, it shall be lawful for him to dispose of State bonds to an amount sufficient to pay such charges, being governed in the sale and disposal of such bonds, by the provisions of an act entitled an act to establish and maintain a general system of Internal Improvements: *Provided*, That if there shall be a sufficient amount of the money borrowed on account of the Internal Improvement system on hand, to pay said charges, the Fund Commissioner shall apply such money to such payment, and shall not make sale of State bonds for that purpose.

One Fund  
Commissioner  
to be elected

Duties

When State  
bonds may be  
sold

Proviso

SEC. 2. There shall be elected, by the joint vote of the present General Assembly, and by each regular General Assembly hereafter, three commissioners, to be styled the Board of Public Works, who shall give bond and qualify in the same manner that the commissioners of the Board of Public Works

Three Com-  
missioners of  
Public Works

were required to give bonds and qualify, by and under the provisions of an act entitled "an act to establish and maintain a general system of Internal Improvements," passed the 27th February, 1837, and the several acts supplemental and amendatory thereto, and who shall continue in office until the first day of January, 1841, and until their successors are elected and qualified.

- Duties,**  
**May employ**  
**Secretary**      **SEC. 3.** The said Board of Public Works shall keep their office in the town of Springfield, and may employ in their said office one clerk or secretary, at the cost of the State, whose duty it shall be to keep the accounts, and to keep a fair register of the actings and doings of the said Board of Public Works.
- Term of office**      **SEC. 4.** The officers elected under the provisions of this act shall hold their offices until the first day of January, eighteen hundred and forty-one, and until their successors are elected and qualified, and the said Fund Commissioner and members of the Board of Public Works, shall each receive the sum of four dollars for each day they may actually be employed, and shall not be entitled to any compensation for travelling expenses or other contingencies.
- Pay of Com-**  
**missioners**      **SEC. 5.** It shall be the duty of the late Board of Commissioners of Public Works forthwith to deliver up to the Board of Public Works, all books, records, maps, drawings, and papers of every kind and description pertaining to their office, and all property of every kind and description, in their possession, or under their control, which belongs to the State.
- Duty of late**  
**board of pub-**  
**lic works**      **SEC. 6.** The Board of Public Works shall dispose of such property belonging to the State as is not wanted for immediate use, and is [as] will be subject to waste or depreciation by keeping, and account to the State for the proceeds of the same, and shall, to the best of their ability, protect the various public works of the State from dilapidation or decay.
- What proper-**  
**ty of State**  
**may be dispos-**  
**ed of**      **SEC. 7.** Should a vacancy occur, during the recess of the General Assembly, in the office of Fund Commissioner, or Board of Public Works, the Governor shall fill such vacancy by appointment, which shall expire at the time then next ensuing for the election for such officer, or at the end of the next session of the General Assembly, whichever shall first occur: *Provided*, The appointment of such officer shall not expire until his successor shall be elected and qualified.
- Governor to**  
**fill vacancies**      **SEC. 8.** The fortieth section of the act to establish and maintain a general system of Internal Improvement, approved 27th February, 1837, is hereby revived, and declared to be in full force and effect, any law repealing or suspending said act to the contrary notwithstanding.
- Proviso**      **SEC. 9.** The Board of Public Works, in making settlements with contractors, and others, and in superintending, managing, keeping in repair and operations, such works as may be completed, shall be governed in all respects by the act entitled "an act to establish and maintain a general sys-
- 40th section of**  
**act revived**
- Board, how**  
**governed in**  
**settlements,**  
**&c.**

tem of Internal Improvements," passed 27th February, 1837, and the several laws supplemental and amendatory thereto, and all parts of said laws which impose fines, forfeitures, and penalties, for injuries to the public works, or for any other cause, and which prescribes the mode and manner of collecting such fines and forfeitures, and imposing penalties, are hereby revived, and continued in full force and effect.

SEC. 10. The Board of Public Works shall cause the amount due to contractors to be estimated, including the back per centage, heretofore retained, and shall give a draft therefore [therefor] on the Fund Commissioner, and in case of disagreement between the Acting Commissioner and the contractor, then the matter in dispute shall be referred to the Board, when in session, whose decision shall be final in the case. And if any contractor, or contractors, shall claim any amount from the State, over and above the retained per centage, for damages on his contract, such claim for damages shall be decided by the Board, when in session, and they shall issue a draft in favor of such contractor, for the amount allowed; and the decision of the Board on the claim of such contractor, shall be final. The Board of Public Works shall also settle and adjust all dues and liabilities of every kind, due and owing from the State; under the provisions of the act to establish and maintain a general system of Internal Improvements, approved 27th February, 1837, and the acts supplemental and amendatory thereto, and give drafts for the amount so settled and adjusted, on the Fund Commissioner; and when any person shall receive drafts, under the provisions of this section, his contract shall be cancelled.

SEC. 11. All drafts drawn by the Commissioners of the Board of Public Works, on the Fund Commissioner, if not paid within thirty days, shall bear six per cent. interest per annum, from date; and all drafts heretofore drawn by any member of the former Board of Public Works, on the former Board of Fund Commissioners, and which have not been paid, shall bear the same interest from their respective dates; and in all cases where the Fund Commissioners, in making payments on special drafts, cannot pay off the whole amount of said drafts, it shall be lawful for him to endorse the amount paid, on the back of said draft.

SEC. 12. The Board of Public Works shall pay off, and discharge, all engineers and agents now in employment, whose services are not indispensable to assist them to ascertain the amount due to contractors, and so soon as their services can be dispensed with they shall also be discharged.

SEC. 13. The Board of Public Works shall have power to provide for the security, and successful management and operation of such parts of the railroads as are already completed, and may fix and establish the rates of toll to be collected therefrom, and provide for the faithful collection thereof, and for the payment of the amounts collected, to the Fund Com-

Amount due  
contractors

Decision of  
board final

Dues and lia-  
bilities to be  
settled

Drafts given  
in settlement

Drafts drawn  
on fund com-  
missioner  
When to bear  
interest

Endorsements  
on drafts

Management  
of railroads



Fines for not paying tolls      commissioner, and any person refusing to pay the established tolls, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding one hundred dollars.

Fund commissioner may receive back bonds      SEC. 14. The Fund Commissioner shall be, and is authorized, and required to take, and receive back, any and all State bonds heretofore sold to any person, firm, or corporation, who have failed, or may hereafter fail, to comply with their contract, and upon the reception of all such bonds sold them, said commissioner is authorized to cancel said contracts, and the bonds thus returned shall be burned by the Fund Commissioner, in the presence of the Auditor and Treasurer of State; and the Fund Commissioner shall make and keep a correct register of the number, amount, and disposition made of all bonds and money coming to his hands.

Bonds, when burned

Settlement of accounts of fund commissioners      SEC. 15. The Fund Commissioner, when elected and qualified, shall audit and settle the accounts of the late Board of Fund Commissioners, and the late Board of Public Works, and of each member of said Boards; and, in case any member of either of said Boards, or of former Boards, shall be found to be in arrear to the State, he shall cause suit forthwith to be instituted against such person.

What acts revived

SEC. 16. Such parts of the acts to establish and maintain a general system of Internal Improvement, approved February 27th, 1837, and the acts supplemental and amendatory thereto, as are necessary to enable the Fund Commissioners and Board of Public Works to discharge the duties imposed upon them by this act, are hereby revived for the purposes herein defined, and no other.

APPROVED, February 1st, 1840.

In force, Feb. 3d, 1840.      AN ACT further to amend the several acts in relation to common schools

Duty of treasurers of townships in making abstracts      SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in making out the abstracts required by the fifteenth section of the act of March 4th, 1837, entitled "an act to amend the several acts in relation to common schools," the treasurer of townships shall state in such abstracts, the amount of compensation earned by each teacher named in such abstracts, within the time comprised in the same; and the school commissioner of the county shall not pay more than one-half of such compensation from the interest of the school, college, and seminary funds.

Scholars in unincorporated townships      SEC. 2. In all cases where scholars residing in an unincorporated township, shall attend a school taught in a township which has become incorporated, the teachers' schedule, comprising the names of such scholars, shall be examined and certified by the trustees of the township in which the school is kept, and delivered to the school commissioner of the county in which

such unincorporated township, or the larger part thereof, is situated; and such school commissioner shall pay the teacher of such scholars a distributive share of the interest of the school fund of such township.

SEC. 3. When scholars, residing in an incorporated town-Teachers in unincorporated townships  
ship, attend a school kept in a township which is not incorporated, the teacher's schedule, comprising the names of such scholars, shall be examined and certified by the trustees of the school which such scholars attend, and delivered to the treasurer of the township in which such scholars reside, and their teacher shall be entitled to receive from such treasurer a distributive share of the interest of the school fund of such township.

SEC. 4. Whenever the situation of the settlements is such School districts comprising more than one township  
as to make it expedient that a school district shall comprise portions of two or more incorporated townships, such district may be established, and its boundaries defined, and altered by the concurrent action of the trustees of the several townships in which such school district is comprised.

SEC. 5. When a school shall consist of scholars residing in two or more counties, separate schedules or abstracts shall be made and returned in the mode heretofore provided by law, to the school commissioners of each of said counties, in order to entitle the teacher to a share of the interest of the school, college, and seminary funds of the State.  
Scholars of two or more counties

SEC. 6. So much of the seventeenth section of the act of March 4th, 1837, entitled "an act to amend the several acts in relation to common schools," as requires that "the apportionment of money shall be equalized in each township, by paying to every teacher the same rate of compensation," is hereby repealed.  
Part of section repealed

APPROVED, February 3d, 1840.

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AN ACT supplemental to an act to authorize and require the school commissioner of Sangamon county to pay over certain school funds to the school commissioners of Menard, Logan, and Dane counties. In force, Feb. 3d, 1840

SEC. 1. *Be it enacted by the People of the State of Illinois,* Words con-  
*represented in the General Assembly,* That the words "Janu- strued  
ary next," in the second and third lines of the second section of the act to which this is supplemental, shall be construed to apply to, and mean, January, 1840. And the Auditor of Public Accounts, and the school commissioner of Sangamon or and school  
county, are hereby required to construe the act to which this commissioner  
is supplemental, as applying to the present year, and not to the year 1841.

APPROVED, February 3d, 1840.

In force, AN ACT to abolish the Board of Commissioners of Public Works, and the  
Feb. 1st, 1840 Board of Fund Commissioners.

Parts of acts repealed SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the act entitled an act to establish and maintain a general system of Internal Improvements, passed 27th of February, eighteen hundred and thirty-seven, as authorizes the establishment of a Board of Commissioners of Public Works, and a Board of Fund Commissioners, shall be, and the same is, hereby repealed.

APPROVED, February 1st, 1840.

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In force, AN ACT for the relief of contractors on public works in this State.  
Feb. 3d, 1840

Fund com'r may sell bonds to pay contractors SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case sufficient funds should not be available, from loans already negotiated, to pay the contractors on the Internal Improvement system, for such balances as may be found due them for work already done, that the Fund Commissioner, for the time being, are [is] hereby authorized to sell, at not less than par, sufficient of the State bonds to pay said balances.

Drafts drawn by board public works on fund com'r heretofore, to be taken up and new drafts issued to bear interest SEC. 2. That when drafts have heretofore been, or that hereafter shall be, drawn by any of the Commissioners of the Board of Public Works, on the Fund Commissioner, for balances due contractors, for work done on any of the railroads in this State, or to any other person for other liabilities, embraced in "an act to establish and maintain a general system of Internal Improvements," and all acts supplementary thereto, and those drafts shall not have been paid by the Fund Commissioner, it shall be the duty of the Commissioners of the Board of Public Works to give other drafts in lieu thereof, drawing interest at the rate of six per cent. per annum: *Provided,* That no such renewed or substituted draft shall be for a less sum than one hundred dollars; and no new contracts shall hereafter be let out by the Board of Public Works.

Proviso

APPROVED, February 3d, 1840.

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In force, AN ACT declaring Fox river navigable.  
Jan. 15, 1840

In the counties of La Salle, Kane, and McHenry, from Ottawa to northern boundary SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Fox river, in the counties of La Salle, Kane, and McHenry, from the confluence with the Illinois river, at Ottawa, to the northern boundary of this State, is hereby declared a navigable stream, and shall be deemed and held a public highway.

This act shall take effect from and after its passage.

APPROVED, January 15th, 1840.



AN ACT for the relief of John G. McHatton.

In force,  
Feb. 1, 1840

SEC. 1. *Be it enacted by the People of the State of Illinois, redresented in the General Assembly,* That fifty-eight dollars be, and the said is hereby, appropriated to John G. McHatton, sheriff of Schuyler county: it being the amount paid by the said McHatton for the apprehension of William Frame, who had escaped from the jail of the said county of Schuyler, when he was confined on a charge of murder, and of which charge he was afterwards convicted and executed.

APPROVED, February 1, 1840.

AN ACT supplemental to "An act to authorize the inhabitants of Cahokia, to raise a levee on the creek bank opposite the town of Cahokia." In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the supervisor authorized to be elected by the act to which this is a supplement, shall be elected as provided in said act, and a certificate signed by the judge holding the election, shall, in all cases, be sufficient evidence of his election.

SEC. 2. That said supervisor shall have power to institute and maintain actions of trespass in any court having jurisdiction of the same, for the benefit of the citizens of Cahokia, against any person trespassing on the commons attached to said town.

SEC. 3. This act to take effect from and after its passage.

APPROVED, February 1, 1840.

AN ACT supplemental to "An act to incorporate the Bainbridge Academy," approved March 2d 1839. In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the treasurer and board of trustees of the Bainbridge Academy, shall have all the privileges given to the treasurer and board of trustees of incorporated townships under the act to amend the several "Acts in relation to common schools, approved March the fourth, eighteen hundred and thirty seven:" *Provided,* That the treasurer and board of trustees of the Bainbridge Academy shall comply with all the provisions of the last mentioned act, prescribing the duties of the treasurer and board of trustees of incorporate townships. This act to be in force from and after its passage.

APPROVED, February 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT for the relief of William Howell, of Calhoun county.

Auditor to is-  
sue warrant  
to Wm. How-  
ell for \$109  
and 50 cts.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of public accounts is hereby authorized and required to issue his warrant on the Treasurer, in favor of William Howell, of Calhoun county, for one hundred and nine dollars and fifty cents, which shall be in full for his services and expenses in going to Missouri and apprehending and bringing to Pike county a fugitive from justice.

APPROVED, February 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT to amend an act, entitled "An act concerning the road from Warsaw to Quincy," approved February 22, 1839.

Comr's to lo-  
cate road

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the commissioners named in the act to which this is an amendment, or a majority of them, shall proceed to locate said road from Warsaw in Hancock county, to Quincy in Adams county, according to the provisions of the act to which this is an amendment, previous to the first day of August next.

Road from  
Warsaw to  
Peoria

SEC. 2. *Be it further enacted,* That so much of the State road from Warsaw in Hancock county, to Peoria in Peoria county, as lies between Warsaw and Carthage, in Hancock county, laid out under the authority of an act, entitled "An act to locate a State road from Warsaw in Hancock county, to Peoria in Peoria county, approved 4th of February, 1837," is hereby declared a State road.

Location  
legal ;

SEC. 3. And the said location and survey is hereby declared to be legal and valid in all respects, and shall not be set aside or be held to be void and of no effect, on account of any informality in locating said road whatever; and the road, as laid off and located by the said commissioners, or any two of them, shall be opened, worked, and kept in repair as the law requires.

APPROVED, February 1, 1840.

In force,  
Feb. 1, 1840.

AN ACT to incorporate the St. Clair Steam Mill Company.

Body politic  
& corporate  
Name and  
style

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Laurant Pensaneau, Wm. C. Carr, John Barkley and David Reverdy, their associates, heirs and assigns, are hereby constituted and declared a body politic and corporate, by the name and style of the "St. Clair Steam Mill Company," from and after the passage of this act; and by that name and style they and their successors shall

have succession for ten years, and shall, in law, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; may have a common seal, and may change and alter the same at pleasure; and they and their successors may also, by that name and style, be capable, in law, of purchasing, holding and conveying away real and personal estate for the use and purposes of said corporation; which real estate shall not exceed one hundred and sixty acres, whercon to erect the mill and necessary inclosures for carrying on the business of the said company.

SEC. 2. The said company, hereby incorporated, shall have power to erect a steam mill at or near Illinois town, in the county of St. Clair, and are hereby authorized to carry on the manufacturing of the various kinds of grain and other manufactures, to export the same and other products of the country, and to use all such powers and privileges as may be necessary to carry on the said manufactory according to the objects of this act as herein expressed.

SEC. 3. The capital stock of said company shall consist of ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 4. Said company shall meet annually on the first day of April, and elect a president and secretary, who shall be sworn by a justice of the peace to the faithful discharge of his duties, and who shall keep a record of the proceedings of said company in a book to be by him kept for that purpose; a treasurer who shall give bond to such amount and in such manner as the said company shall direct; and said company shall appoint such other officers and agents as may be necessary to carry into effect the powers herein granted.

SEC. 5. Said company shall have power to make and establish all such by-laws, rules and regulations, as shall be necessary, and not inconsistent with the constitution and laws of this State or of the United States; and the provisions of this act for the transfer or payment of the stock or property of said company, and for the management and direction of the affairs of said company.

SEC. 6. If it should happen that any election should not be made or held on the day appointed by the provisions of this act, the said company shall not for that reason be dissolved; but such election may be held on any other day within thirty days thereafter, notice being given by the president, secretary, or any two members of said company; and at all elections and proceedings of said company, each shareholder shall be entitled to as many votes as the number of shares he or she may have in said company.

APPROVED, February 1, 1840.



In force,  
Feb. 3, 1840.

AN ACT to incorporate the Sangamon Coal Bank Bridge Company.

Body politic	<p><b>SEC. 1.</b> <i>Be it enacted by the people of the State of Illinois, represented in the General Assembly,</i> That all such persons as shall become subscribers to the stock hereinafter mentioned, shall be, and they are hereby, constituted and declared a body corporate and politic, by the name and style of the "Sangamon Coal Bank Bridge Company," from and after the passage of this act, and by that name they and their successors shall, in law, be capable of suing and being sued, pleading and being impleaded, answer and be answered, in all courts and places whatsoever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also they and their successors, by that name and style, shall be, in law, capable of purchasing, holding and conveying any estate, real and personal, which may be necessary to enable the said company to carry out the expressed objects for which they are incorporated, and none other. The chartered existence of said company shall cease at the expiration of twenty years from the passage hereof, and the stock thereof shall be deemed and considered personal property.</p>
Name and style	
Powers	
Existence of charter	
Capital stock	<p><b>SEC. 2.</b> That the capital stock of said company shall be three thousand dollars, divided into three hundred shares of ten dollars each; and James F. Reed, Gersham Keys, Thomas J. Knox, William Pickerell and Thomas Simpson, of Sangamon county, and Samuel Nesbit, of Macon county, are hereby appointed commissioners to receive subscription for said stock; and such subscription shall be opened at such times and places as the commissioners, or a majority of them, shall appoint, by notice to be published in the Journal and Register papers, printed in the town of Springfield, at least twenty days before the time appointed. If the requisite number of shares shall not be subscribed for, at the time and places appointed for such subscription, said commissioners, or a majority of them, shall take such measures for compelling [completing] such subscription as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar for each share subscribed, and the remainder at such times and in such sums as the interest of said company may require.</p>
Comr's to receive subscriptions	
Notice	
\$1 to be paid on subscription	
Time and place of election	<p><b>SEC. 3.</b> As soon as two-thirds of the shares shall be subscribed, the commissioners shall give notice thereof, in the manner aforesaid, and appoint the time and place in such notice for the subscribers to meet, for the purpose of choosing a treasurer, clerk, and five directors. Every stockholder shall be entitled, at such and all other elections, to one vote for each share to the number of ten, and one vote for every five additional shares, which votes may be given in person or by proxy, at the election to be held as aforesaid; the said commissioners, or such of them as may attend, shall be inspectors, and their certificate of the names of persons elected, shall be con-</p>

clusive evidence of such election. The first Monday in the month in which such election shall be held, shall be the anniversary day of all subsequent elections of such officers. A majority of the directors, so chosen, shall be a quorum, and shall be capable of transacting the business of the corporation. Any act of the majority shall be binding on the corporation. The said directors, when elected as aforesaid, shall immediately proceed to elect one of their number as president; and the said president and directors may meet from time to time, and shall have power to make such by-laws, rules and regulations, as shall be deemed expedient and proper for the well-ordering of the affairs of the said corporation: *Provided*, The same be not repugnant to the constitution and laws of the State and the United States.

SEC. 4. The said corporation is hereby authorized and empowered to erect a bridge over the Sangamon river at the coal bank, crossing where the road leading from Springfield to Decatur crosses said river.

SEC. 5. The said president and directors, or other persons employed by them, may enter upon and take possession of the land on each side of the river where such bridge shall be erected; and the said corporation, on taking possession of such land, and on receiving a conveyance thereof, shall pay the value of so much of the same as may be necessary for making and erecting said bridge, and establish a gate, toll-house, and other works necessary for said bridge; and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three disinterested freeholders of the county, who shall be appointed for that purpose, as may be agreed on by the parties, and shall be sworn to make a just valuation thereof.

SEC. 6. As soon as the bridge shall be completed, it shall be lawful for said corporation to erect a gate at the end of said bridge, and demand and receive the same rates of toll as is allowed by the county court of Sangamon county to ferries kept on said river: *Provided*, That all persons, citizens of Sangamon county, shall have a right to cross said bridge, in going to or returning from any muster or election in said county; and all grand and petit jurors, in going to and returning from courts, shall be permitted to cross said bridge free of toll.

SEC. 7. If any person or persons shall wilfully or maliciously do or cause to be done any act whatsoever whereby the said bridge, or any thing appertaining to the same, shall be impaired, injured or destroyed, the said person or persons so offending, shall forfeit and pay to the said corporation treble the amount of damages occasioned thereby, to be recovered by said corporation, with costs of suit in an action of trespass, in any court having competent jurisdiction thereof.

SEC. 8. If any toll-gatherer shall unreasonably delay or hinder any traveller from passing said bridge, or shall demand or receive more toll than is allowed by this act, he shall for every

such offence forfeit and pay a sum not exceeding ten dollars, with cost of suit, to be recovered before any justice of the peace of said county for the use of the person hindered or defrauded.

Co. comr's of  
Sangamon  
may purchase  
bridge and  
make it free

SEC. 9. At any time after the completion of said bridge, the county commissioners of Sangamon county shall have the right to purchase said bridge by making the same free to all persons crossing the same, by paying to said corporation the cost of constructing the same with ten per cent. interest thereon.

APPROVED, February 3, 1840.

In force, Feb. 1, 1840. AN ACT to amend an act to create and establish the county of Jersey.

Preamble

WHEREAS, on the first Monday of August last, the county of Jersey was created agreeable to "An act to create and establish the county of Jersey, approved February 28th, 1839:" And whereas, on the same day there was elected, in that part of Greene county created into the county of Jersey aforesaid, certain justices of the peace and constables: And whereas, much doubt exists in regard to the legality of said election: Therefore,

Officers of  
Jersey to hold  
till next elec-  
tion

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all justices of the peace and constables which were elected on the first Monday of August last, in that part of Greene county created into the county of Jersey, shall severally hold their offices in the county of Jersey for the term for which they were elected and commissioned, &c., the same as if they had been duly elected and commissioned for Jersey county, and their oaths of office which have been administered by the clerk of the county commissioners' court of Greene county, shall be deemed to have been properly taken.

Time of ma-  
king abstract  
of schools ex-  
tended  
Duty of  
school comr's

SEC. 2. That all abstracts and schedules of schools in Jersey county shall be made to the school commissioners of said county, and the time for receiving the same by said school commissioner for the present year, is hereby extended until the second Monday in February next; and it shall be the duty of the school commissioners of Jersey county, as soon as said abstracts are made to him, to meet the school commissioner of Greene county; and it shall be the duty of the school commissioner of Greene county to pay over to the school commissioner of Jersey county annually out of the school fund which Greene county may receive from the State, the portion which Jersey county may be entitled to in proportion to the abstracts and schedules of schools returned to the school commissioner of both counties respectively; and the school commissioner of Jersey county shall apply the money, thus received, for school purposes in Jersey county, as is now required by law.



SEC. 3. The president and trustees of the town of Jerseyville, within Jersey county, are hereby authorized and empowered to convey to the county of Jersey, for the purpose of erecting county buildings thereon, the public square in said town; Public square and a conveyance made for the public square, as aforesaid, by in Jerseyville the president and trustees of said town, shall be good and valid. This act shall take effect from and after its passage.

APPROVED, February 1, 1840.

AN ACT to locate a State road therein named.

In force,  
Feb. 3, 1840.

WHEREAS, by and under an act approved, February 28, 1839, providing for the formation of the county of Williamson, from the county of Franklin, and for the location of the county seat of the said county of Franklin, the commissioners appointed by said act did proceed to locate (in conformity therewith) the county seat of the said county of Franklin at the town of *Benton*: AND, WHEREAS, there is no State or county road passing through said town of Benton, whereby travellers and others experience great difficulty in passing to and from said town: AND WHEREAS, from the shortness of the time which has intervened between the location of said county seat, and the meeting of the Legislature, the citizens of Franklin county have been unable to comply with the provisions of an act defining the manner of petitioning the General Assembly in relation to the location of State roads; Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Eubanks, John Ewing, and William Mitchell, of Franklin county, be, and they are hereby appointed commissioners to view, mark, and locate a State Road from where the Nashville and Equality road crosses Little Muddy river, to the town of Benton, in Franklin county; thence, to the bridge over Muddy river, on the road leading from Mount Vernon, in Jefferson county, to Golconda, in Pope county, and from thence to Galatia in Galatin county.

SEC. 2. Said commissioners shall meet at the town of Frankfort, on the first Monday in April next, or as soon thereafter as practicable, and after being first duly sworn before some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to view, locate and mark said road between the points above designated, on the nearest and best ground, by marking trees in the timber, and putting up stakes in the prairie, having due regard to the public good, and doing as little damage to private property as the nature of the case will permit.

SEC. 3. The said commissioners, as soon as practicable, after the location as aforesaid, shall make out maps and reports

thereof, giving the correct distance and description of the same; and shall file the same, or a copy thereof, in the clerk's office of the county commissioner's court of each county through which any part of said road may pass; which said reports shall be made matters of record in said offices, and the same carefully preserved.

**SEC. 4.** The county commissioners' courts of the several counties through which said road passes, shall allow said commissioners and their assistants, a reasonable compensation for their services in proportion to the length of said road in the several counties through which the same shall pass, and they shall cause said road to be opened and kept in repair as other State roads are.

**SEC. 5.** The operation of the "act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads," so far as it relates to the provision of this act, is hereby suspended.

**SEC. 6.** So much of the State road leading from Nashville to Galatia, as is now located between the beginning and terminating points of the road provided for in the provisions of this act, is hereby declared vacated: *Provided*, That none of the expenses of said survey be paid out of the county treasury of Gallatin county.

APPROVED, February 3, 1840.

In force, AN ACT to incorporate the town of Jacksonville, and for other purposes.  
April 6, 1840.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Matthew Stacy, John Hurst, R. T. McNeely, W. Branson and E. T. Miller, citizens of the town of Jacksonville, in the county of Morgan, are hereby constituted a body politic and corporate, by the name and style of the "President and Trustees of the town of Jacksonville," and by that name they and their successors may sue and be sued, plead and be impleaded, in all actions in law and equity; may grant, purchase, receive and hold real and personal estate, and may lease, sell and dispose of the same for the benefit of said town; may do all other acts as natural persons may do, and may have a common seal, and change and alter the same at pleasure, and shall have perpetual succession.

**SEC. 2.** The boundaries of said town shall be one mile square, the centre of the public square in said town being the centre of said [mile] square; and all the land within said limits shall be considered as the town of Jacksonville.

**SEC. 3.** The aforesaid corporators shall continue in office until the first Monday in April, 1840, and until their successors are elected and qualified. And on the first Monday in April, and forever thereafter, an election shall be held for five

trustees, who shall hold their offices for one year, and until their successors are elected and qualified. Said trustees shall elect one of their own body president of the board, and shall appoint all other officers for said corporation; they shall have power to fill all vacancies in the board, occasioned by death, resignation, or six months' absence from said town. A majority shall constitute a board to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as the board may provide. The trustees of said town shall be at least twenty-one years old, a citizen of the United States, and shall be residents and citizens in said town. Those persons residing in said town shall be qualified to vote for trustees who possess the requisite qualifications to vote for State officers.

President  
how elected

Vacancies  
how filled

Quorum

SEC. 4. The officers of said town shall consist of one clerk, one town constable, who shall have and perform all the duties of town constable, as required and authorized in the act, entitled "An act further defining the duty of trustees of incorporated towns," approved January 31, 1835; one treasurer and such other officers as the said president and trustees of said town may see proper to appoint; and said officer shall give bond and security in such sum and in such manner as may be required by the board of trustees of said town. And said officers shall be removable at the pleasure of the board of trustees.

Officers of  
town

Officers may  
be removed

SEC. 5. The sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, seventeenth and eighteenth sections of an act, entitled "An act to incorporate the town of Upper Alton," approved February 18, 1837, are hereby declared to be applicable to the president and trustees of the town of Jacksonville; and the tax mentioned in the sixth section of said act shall be in lieu of any county tax on the real estate in said town, and all the powers, duties and restrictions therein mentioned shall be applied to said president and trustees as fully as if the same were herein set forth.

Parts of law  
applicable to  
town

SEC. 6. The acts of the present president and trustees of the town of Jacksonville, shall be considered as binding and in full force until the first meeting of the board of trustees, to be elected under the provisions of this act. This act shall take effect on the first Monday in April next, and the present board of trustees shall give notice of the election to be held on said day, by having written notices thereof posted up in four public places in said town at least one week previous to said election; and one of the members of said board and the clerk of the board shall act as inspector and clerk of said election, and shall give certificates of election to the five persons receiving the greatest number of votes.

Acts of trustees  
binding

Inspectors of  
elections

Name of  
Greenfield in  
Bureau co.  
changed to  
Laymoile

SEC. 7. That the name of the town of Greenfield, in the county of Bureau, be changed, and hereafter to be known and called by the name of Laymoile.



Name of In- **SEC. 8.** That the name of the town of Indiantown and of  
diantown changed to Windsor, in Bureau county, be changed and both of said  
Tiskilwa towns hereafter be known and called by the name of Tiskil-  
wa.

Limits of **SEC. 9.** That the corporate limits of the town of Henne-  
Hennepin in pin, in Putnam county, shall hereafter include the west half of  
Putnam co. the south-west quarter of section ten, and the east half of said  
quarter section shall hereafter be excluded from said corpora-  
tion.

APPROVED, February 3, 1840.

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In force,  
Feb. 3, 1840.

AN ACT to vacate the town plats of the towns therein named.

Town plat of **SEC. 1.** *Be it enacted by the People of the State of Illinois,*  
Bristol vacated *represented in the General Assembly,* That the entire town plat  
of the town of Bristol, in the county of Marshall, as laid off and  
recorded, is hereby declared to be vacated. This act to be in  
force from and after its passage.

Plat of Fair- **SEC. 2.** The town plat of the town of Fairmont, in the  
mount vacated county of Bureau, as laid off by the original proprietors, and  
recorded in the county of Putnam, is hereby declared to be  
vacated: *Provided,* This act shall not interfere or prejudice  
the rights of any individual or individuals, who may have  
Proviso become the purchasers of any lot or lots, in either of the  
aforesaid towns.

APPROVED, February 3, 1840.

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In force,  
Feb. 3, 1840.

AN ACT to amend the several laws in relation to appeals.

Appeals may **SEC. 1.** *Be it enacted by the people of the State of Illinois,*  
be granted, *represented in the General Assembly,* That appeals from judg-  
except on ments of justices of the peace to the circuit court, shall be  
judgment granted in all cases except on judgment confessed: *Provided,*  
confessed The party praying for an appeal shall, within twenty days  
from the rendering of the judgment from which he desires to  
take an appeal, enter into bond in the office of said justice of  
the peace, with security to be approved by the justice condi-  
tioned that the appellant will pay and satisfy whatever judg-  
ment may be rendered by the circuit court upon dismissal or  
trial of the appeal.

Proviso **SEC. 2.** If upon the trial of any appeal, the bond required  
to be given in the first section shall be adjudged insufficient,  
the party who executed such bond, shall in no wise be preju-  
diced by reason of such insufficiency: *Provided,* He will, in a  
reasonable time to be fixed by the court, execute and file in  
court a good and sufficient bond.

SEC. 3. Where a bond shall be executed by the appellant as aforesaid, the justice who gave the judgment, and if execution or other process has been issued thereon, said justice shall recall the same, and all further proceedings thereon shall be suspended, and the said justice shall, within twenty days after receiving and approving of the appeal bond, file the same in the office of the clerk of the circuit court, together with all the papers and transcript of the judgment he had given, with a certificate under his hand, that the said transcript and papers contain a full and perfect statement of all the proceedings before him; and the court shall hear and determine the said appeal in a summary way, without pleading in writing, according to the justice of the case.

Bond of appellant &c. to be filed

Appeal to be decided without pleadings

SEC. 4. The following shall be the form of the bond required by the first section of this act: Know all men by these presents, That we, A. B. and C. D., are held and firmly bound unto E. F., in the penal sum of (here insert double the amount of judgment and costs,) dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs and administrators, jointly, severally and firmly, by these presents. Witness, our hands and seals, this            day            18            . The condition of the above obligation is such, That whereas, the said E. F. did, on the            day of            A. D. 18            , before            , a justice of the peace for the county of            , recover a judgment against the above bounden A. B., for the sum of            dollars; from which judgment the said E. F. has taken an appeal to the circuit court of the county of            aforesaid, and State of Illinois. Now if the said A. B. shall prosecute his appeal with effect, and shall pay whatever judgment may be rendered by the court upon dismissal or trial of said appeal, then the above obligation to be void, otherwise to remain in full force and effect.

Form of bond

[L. S.]  
[L. S.]  
[L. S.]

Approved by me at my office, this            day of            18            .

L. M., J. P.

SEC. 5. Parties to suits before justices of the peace, may take appeals from their decisions before the clerks of the circuit courts in the same manner as is now provided by law, or they may appeal as provided in the foregoing sections.

Appeals how taken

SEC. 6. The security in any such appeal bond shall be liable on said bond for the amount of the original judgment, and all costs thereon in case the said appeal be dismissed, and shall be liable also on said bond for whatever judgment may be rendered by the circuit court, in case the original judgment be affirmed by said circuit court, either in whole or in part, and

Securities on bond liable for original judgment

the same provisions shall extend to appeal bonds executed under the act to amend the several laws in relation to appeal bonds, and the trial of appeals, approved March 2d, 1839.

APPROVED, February 3; 1840.

In force, Feb. 1, 1840. AN ACT to authorize Shelton L. Hall and others to establish a ferry across Rock river.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Simeon Towle, Shelton L. Hall, and their associates, and their heirs and assigns, be, and they are hereby, authorized to establish and maintain a ferry across Rock River, at a point within half a mile of the junction of the Rock and Kishwaukee rivers, southerly from said junction in the county of Winnebago, for and during the term of ten years from and after the passage of this act.

**SEC. 2.** The rates of ferriage for crossing said ferry shall be fixed by the county commissioners' court of Winnebago county: *Provided always,* That no person attending the county commissioners' or circuit court, as a member or judge thereof, or as a party to any matter pending in, or any witness or juror attending on, said court, shall be taxed ferriage.

**SEC. 3.** The said Simeon Towle, Shelton L. Hall, and their associates, heirs or assigns, shall be allowed the term of ten months from and after the passage of this act, to construct the necessary boats, and otherwise prepare the said ferry for the uses contemplated in this act.

**SEC. 4.** The said Simeon Towle, Shelton L. Hall, their associates, heirs and assigns, in the management of said ferry, shall be governed by the provisions of an act, entitled "An act to provide [for] the establishing of ferries, toll bridges and turnpike roads," approved February 12, 1827.

APPROVED, February 1, 1840.

In force, Feb. 3, 1840. AN ACT to locate a State road in the county of Washington.

**SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Cheny, John Phillips and Joseph Whittenburgh, of the county of Washington, are hereby appointed commissioners to mark and locate a State road from Nashville, in Washington county, to Middleton's old ferry, on the Kaskaskia river, at the crossing of the road leading from Nashville to Belleville, in St. Clair county.

**SEC. 2.** Said commissioners, or a majority of them, shall meet in the town of Nashville on the first Monday in April next, or within three months thereafter, and after having taken



an oath before some justice of the peace faithfully to discharge the duties imposed upon them by this act, doing as little harm to private property as the public good will permit, shall proceed to locate said road, commencing at the south-west corner of J. D. Woods' land, lying immediately west of Nashville, and running to the ferry aforesaid, locating said road on the nearest and best ground, putting up stakes in the prairie at proper distances, and marking trees in the timber.

SEC. 3. Said commissioners, after having made the location aforesaid, shall make out a report of their proceedings and present the same to the county court, whose duty it shall be to have said report entered upon the records of said court. Report to be recorded

SEC. 4. Said commissioners shall receive for their services not more than one dollar and fifty cents per day each, to be paid out of the county treasury for every day which they are necessarily employed in the discharge of the duties herein named. Compensation

SEC. 5. Said road shall be opened and kept in repair as other State roads are.

APPROVED, February 3, 1840.

AN ACT concerning the revenue in Clay county.

In force,  
Feb. 3, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of the county of Clay, are hereby authorized to appoint a county collector at their next March term, to collect the State and county tax for the year 1839. The said collector shall be allowed time to the first day of July next, for the collection of the same, at which time he shall pay the same over as other collectors are required to do. Said collector shall be allowed, as a compensation for his services, ten per cent. upon the amount of the State tax collected by him. Appointment of collectors in Clay co.  
Time allowed  
Compensation

APPROVED, February 3, 1840.

AN ACT to legalize the acts of the commissioners of Champaign county. In force,  
Feb. 3, 1840

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the acts of the county commissioners of the county of Champaign, in relation to the assessment and collection of the county and State tax for the year 1839, be, and the same are hereby legalized. Acts of com'rs of Cham-paign legalized

APPROVED, February 3, 1840.

In force, AN ACT to amend "an act to incorporate the Peoria Commercial Insurance Company," approved, Feb. 18, 1837.  
Feb. 3, 1840.

Sec. of act  
repealed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the twelfth and thirteenth sections of an act to which this is an amendment, is hereby repealed.

Comr's to  
open books

SEC. 2. Francis Voris, Amos Stevens, Andrew Gray, Moses Pettingell, Aquilla Wren, Lewis Nowell, J. C. Armstrong, J. M. Smith and James H. Work, be, and are hereby, appointed commissioners to open books to the subscription of the capital stock in the same manner as is provided in the act to which this an amendment.

APPROVED, February 3d, 1840.

In force, AN ACT to authorize the Board of Public Works to audit and settle the  
Feb. 3, 1840. accounts of Edward Smith, deceased.

Duty of B. P.  
Works, to  
settle acc'ts  
of Edward  
Smith Esq.,  
deceased.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of public works be, and the same is hereby, authorized to audit and settle the accounts of Edward Smith, Esq., deceased, late engineer of the southern division of this State, under an act, entitled "An act to maintain a general system of internal improvements," and to allow for the services of the said Edward Smith, deceased, a compensation equal to that allowed to other engineers of the same grade.

Balances, how  
paid over

SEC. 2. That after having made such settlement, the said board of public works shall pay over to the widow of the said Edward Smith, deceased, such sum or sums of money due for such services aforesaid, for her sole use and benefit, and the receipt of the said widow shall be a sufficient voucher for such payment.

Receipts for  
same

APPROVED, February 3, 1840.

In force, AN ACT legalizing the State road between Washington and Pekin.  
Feb. 3, 1840.

Road from  
Pekin to  
Washington  
State road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the State road from Pekin to Washington, as lies east of the range line between township twenty-five north, range three and four, west of the third principal meridian, and west of the bridge near Ratcliff's, is hereby declared a State road, and shall be marked and kept in repair as other State roads.

APPROVED, February 3, 1840.

AN ACT to incorporate the city of Quincy.

In force,  
Feb. 3, 1840.

## SECTION I.

*Of boundaries and general powers.*

[SEC. 1.] *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Quincy, in the county of Adams, and State of Illinois, be, and they are hereby constituted a body politic and corporate, by the name and style of the city of Quincy, and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Body politic  
and corporate  
Name and  
style  
Common seal

SEC. 2. All that district of country embraced within the following boundaries, to wit: beginning in the middle of the main channel of the Mississippi river, west of the south side of Jefferson street, thence up the river with said channel to a point due west of the northern extremity of Pease's addition to said town, thence due east to the eastern side of Wood street, thence due south along Wood street to a point due east from the place of beginning, thence due west down the south side of Jefferson street to the place of beginning, is hereby declared to be within the boundaries of the said city of Quincy.

Boundaries of  
city

SEC. 3. The present board of trustees of the town of Quincy shall, on or before the first day of March next, divide the said city of Quincy into three wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

City to be di-  
vided into  
three wards

SEC. 4. Whenever any tract of land adjoining the city of Quincy shall have been laid off into town lots and duly recorded, as required by law, the same shall be annexed to, and form a part of the town of Quincy.

Lands laid off  
and recorded,  
to form part of  
city

SEC. 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever: to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold property, both real and personal, beyond the city for burial grounds, or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of the city; and to improve and protect such property, and to do all other things in relation thereto as natural persons.

Powers

May hold real  
and personal  
property

## ARTICLE II.

*Of the city Council.*

City council

SEC. 1. There shall be a city council, to consist of a Mayor and Board of Aldermen.



B'd of Aldermen, two from each ward

**SEC. 2.** The Board of Aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

Qualifications of Aldermen

**SEC. 3.** No person shall be an alderman, unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age, and a citizen of the United States.

When office of Aldermen to be made vacant

**SEC. 4.** If any alderman shall after his election remove from the ward for which he is elected, or cease to be a freeholder in said city, his office shall be thereby vacated.

Division of Aldermen by lot

**SEC. 5.** At the first meeting of the city council, the aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year; and of the second class, at the expiration of the second year, so that one-half of the board shall be elected annually.

Elections, returns of, and contested

**SEC. 6.** The city council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

Quorum.

**SEC. 7.** A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Rules of proceeding  
Expulsion of members

**SEC. 8.** The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two thirds of the members elected expel a member.

Journal of city council to be published

**SEC. 9.** The city council shall keep a journal of its proceedings, and from time to time publish the same, and the yeas and nays when demanded by any member present shall be entered on the journal.

Aldermen can hold no office in city, created while in office

**SEC. 10.** No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

Vacancies, how filled

**SEC. 11.** All vacancies that shall occur in the Board of Aldermen shall be filled by election.

Mayor & Aldermen to take oath

**SEC. 12.** The Mayor and each alderman, before entering upon the duties of their office shall take and subscribe an oath "that they will support the Constitution of the United States, and of this State, and that they will well and truly perform the duties of their office to the best of their skill and abilities.

Mayor to determine election in case of tie

**SEC. 13.** Whenever there shall be a tie in the election of aldermen the judges of election shall certify the same to the Mayor, who shall determine the same by lot in such manner as shall be provided by ordinance.

Twelve stated meetings, yearly

**SEC. 14.** There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance.

## ARTICLE III.

*Of the chief Executive officers.*

SEC. 1. The chief Executive officers of the city shall be, a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified.

SEC. 2. No person shall be eligible to the office of Mayor, who shall not have been a resident of the city for one year next preceding his election or who shall be under twenty-one years of age, or who shall not at the time of his election be a citizen of the United States.

SEC. 3. If any Mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

SEC. 4. When two or more persons shall have an equal number of votes for Mayor the judges of election shall certify the same to the city council who shall proceed to determine the same by lot, in such manner as may be provided by ordinance.

SEC. 5. Whenever an election of Mayor shall be contested, the city council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 6. Whenever any vacancy shall happen in office of Mayor it shall be filled by election.

## ARTICLE IV.

*Of Elections.*

SEC. 1. On the third monday of April next, an election shall be held in each ward of said city for one Mayor for the city, two aldermen for each ward, and forever thereafter, on the third monday of April of each year, there shall be an election held for one Mayor for the city and one Alderman for each ward, the first election for Mayor and Aldermen shall be held, conducted, and returns thereof made, as may be provided by ordinance of the present trustees of the town of Quincy.

SEC. 2. All free white male inhabitants, over the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they respectfully [ively] reside, and in no other, and that no vote shall be received at any of said elections unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

## ARTICLE V.

*Of the Legislative powers of the city council.*

- Assessment & collection of taxes. Sec. 1. The city council shall have powers and authority to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance not repugnant to the Constitution of the United States and of this State.
- Officers of city Sec. [2.] The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisors of streets and all such other officers as may be necessary.
- to give bonds and security, & take oath Sec. 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same. To establish, support, and regulate common schools, to borrow money on the credit of the city: *Provided*, That no sum or sums of money shall be borrowed at a greater interest than at six per cent per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue arising from taxes, assessed on real property within the limits of the corporation.
- Com. Schools May borrow money Proviso. Sec. 4. To appropriate money and provide for the payment of the debt and expenses of the city.
- Expenses of city, how paid Sec. 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.
- Quarantine laws, to extend 5 miles. Sec. 6. To establish hospitals, and make regulations for the government of the same.
- Establishm't of hospitals Health of city, removal of nuisances Sec. 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.
- Water works Sec. 8. To provide the city with water, to erect hydrants and pumps in the streets for the convenience of the inhabitants.
- Alteration of streets Sec. 9. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys.
- Bridges Sec. 10. To establish, erect, and keep in repair, bridges.
- Boundaries of wards Sec. 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.
- Lighting city lamp posts. Sec. 12. To provide for lighting the streets and erecting lamp posts.
- Night watch Sec. 13. To establish, support, and regulate night watches.



Sec. 14. To erect market houses, establish markets, and market places, and provide for the government and regulation thereof. Regulation of markets

Sec. 15. To provide for erection of all needful build- ings for the use of the city. City buildings

Sec. 16. To provide for enclosing, improving, and regu- lating all public grounds belonging to the city. Pub. grounds

Sec. 17. To improve and preserve the navigation of the Mississippi river within the limits of the city. Improvement of Mississippi river

Sec. 18. To erect, repair and regulate public wharves and docks, to regulate the erection and repair of private wharves, and the rates of wharfage thereat. Wharves and docks

Sec. 19. To license, tax, and regulate auctioneers, mer- chants, retailers, grocers, taverns, ordinaries, hawkers, ped- lars, brokers, pawn brokers, and money changers. May grant li- censes

Sec. 20. To license tax and regulate hackney carriages, wagons, carts, and drays, and fix the rates to be charged for the carriage of persons and for the wagonage and cartage and drayage of property. Rates of dray- age and por- terage

Sec. 21. To license and regulate porters, and fix the rates of portorage.

Sec. 22. To licence, tax, and regulate theatrical, and other exhibitions, shows, and amusements. Shows

Sec. 23. To tax, restrain, prohibit, and suppress tippling houses, dram shops, and gaming houses, and bawdy and other disorderly houses. May suppress disorderly houses

Sec. 24. To provide for the prevention and extinguish- ment of fires, and to organize an establish fire companies. Fire compa- nies

Sec. 25. To regulate or prohibit the erection of wooden buildings in any part of the city. Wooden buildings

Sec. 26. To regulate the fixing of chimneys, fix the fees [flues] therefor [thereof.] Chimneys

Sec. 27. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials. Gunpowder

Sec. 28. To regulate and order parapet walls and par- tition fences. Parapet walls and fences

Sec. 29. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law. Weights and measures

Sec. 30. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work. Inspection of lumber and measurement of work

Sec. 31. To provide for the inspection and weighing of hay and stone-coal, the measuring of charcoal, firewood and other fuel to be sold or used within the city. Weight of hay and coal

Sec. 32. To provide for and regulate the inspection of to- bacco, and of beef, pork, flour, meal, and whiskey in barrels. Inspection of tobacco, beef, pork, flour, &c

Sec. 33. To regulate the inspection of butter, lard, and other provisions. Of provisions

Sec. 34. To regulate the weight, quality and price of bread to be sold and used in the city. Weight of bread

- Size of brick SEC. 35. To regulate the size of bricks to be sold or used in the city.
- Census SEC. 36. To provide for the taking enumerations of the inhabitants of the city.
- To regulate elections and remove officers SEC. 37. To regulate the election of city officers and provide for removing from office any person holding an office created by ordinance.
- Pay of officers jurors & witnesses SEC. 38. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.
- Police of city SEC. 39. To regulate the police of the city; to impose fines and forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.
- Exclusive powers SEC. 4. [40.] The city council shall have exclusive power within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to suppress and restrain billiard tables.
- To make all ordinances necessary SEC. 5. [41.] The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or of this State.
- Style of ordinances SEC. 6. [42.] The style of the ordinances of the city shall be, "Be it ordained by the city council of the city of Quincy."
- Ordinances not to take effect until published SEC. 7. [43.] All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.
- Published ordinances to be read in evidence SEC. 8. [44.] All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

## ARTICLE VI.

### *Of the Mayor.*

- Mayor to have casting vote SEC. 1. The Mayor shall preside at all meetings of the city council, and shall have a casting vote and no other: in case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members chairman who shall preside at that meeting.
- Mayor pro tem. SEC. 2. The Mayor or any two aldermen may call special meetings, how called meetings of the city council.
- Duties of Mayor SEC. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted and punished; he shall from time to time

communicate to the aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

SEC. 2. [4.] He is hereby authorized to call on every male inhabitant of said city over the age of eighteen years to aid in enforcing the laws and ordinances; and in case of riot to call out the Militia to aid him in suppressing the same, or in carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to the said city a fine not exceeding five dollars.

Persons refusing to assist to quell riots, made liable

SEC. 3. [5.] He shall have power whenever he may deem it necessary, to require of any of the officers of the said city an exhibit of his books and papers.

When officers to exhibit books

SEC. 4. [6.] He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Mayor to execute acts required of him

SEC. 5. [7.] He shall be commissioned by the Governor as a justice of the peace for said city, and as such shall be a conservator of the peace in the said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city. To take depositions, the acknowledgments of deeds, mortgages, and all other instruments of writing, and certify the same under the seal of the city which shall be good and valid in law.

Mayor to be commissioned by Gov'nor as justice peace Powers of Mayor

SEC. 6. [8.] He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the limits of the city arising under the laws of the State, and shall receive the same fees and compensation for his services in similar cases.

Exclusive jurisdiction of Mayor, and his fees

SEC. 7. [9.] He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and

Jurisdiction to enforce quarantine laws

SEC. 8. [10.] He shall receive for his services such salary as shall be fixed by an ordinance of the city.

Salary of Mayor;

SEC. 4. [11.] In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Adams county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power on the recommendation of the jury to add to the judgment of the court that he be removed from office.

He may be indicted in Cir. court, Adams co. for violation of duty, and fined, and may be removed from office



## ARTICLE VII.

*Proceedings in special cases.*

When private property is taken for public use, to be paid for

SEC. 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the Mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Petitions to open or widen streets

SEC. 2. Where the owners of all the property on a street, lane, avenue, or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue, or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

Jurors to assess damages, must be sworn

SEC. 3. All jurors empannelled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, or alley, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, and signed by [each] juror.

Rule for assessment of damages

SEC. 4. In ascertaining the amount of compensation for property taken for opening, or widening, or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit, as well as the injury happening by such opening, widening, or altering such street, lane, avenue, or alley.

Decis'n of jury may be set aside.

SEC. 5. The Mayor shall have power for good causes shown within ten days after any inquest shall have been returned to him as aforesaid, to set the same aside and cause a new inquest to be made.

Special tax to grade streets and light the same

SEC. 6. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, or alley, or part of any street, lane, avenue, or alley, according to their respective fronts owned by them for the purpose of paving and grading the side walks, and lighting such streets, lane, avenue or alley.

## ARTICLE VIII.

*Miscellaneous provisions.*

Inhabitants shall not work co'y roads or pay co. taxes  
Exception.

SEC. 1. The inhabitants of the city of Quincy are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same, and from any tax for county purposes except for the completion of the county jail, now being erected in said city.

SEC. 2. The city council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair to require every male inhabitant in said city over twenty-one years of age to labor on said streets, lanes, avenues and alleys, not exceeding three days in each and every year: and any person failing to perform such labor when duly notified by the supervisor shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

City streets to be worked by male inhabitants.

Fine for refusal to labor.

SEC. 3. The city council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Punishment of offenders.

SEC. 4. The city council shall cause to be published annually a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Annual statement of receipts & expenditures to be published

SEC. 5. All ordinances and resolutions passed by the president and trustees of the town of Quincy, shall remain in force until the same shall have been repealed by the city council hereby created.

Ordinance in force until repealed

SEC. 6. All suits, actions, and prosecutions instituted, commenced, or brought by the corporation, hereby created, shall be instituted, commenced, and prosecuted in the name of the city of Quincy.

Suits how brought

SEC. 7. All actions, fines, penalties, and forfeitures which have accrued to the president and trustees of the town of Quincy, shall be vested in, and prosecuted by the corporation hereby created.

Actions accruing to trustees to vest in city.

SEC. 8. All property, real and personal, heretofore belonging to "the president and trustees of the town of Quincy" for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.

Property of town vested in city.

SEC. 9. This charter shall not invalidate any act done by "the president and trustees of the town of Quincy," nor divest them of any right which may have accrued to them prior to the passage of this act.

This act invalidates no act of trustees

SEC. 10. "The president and trustees of the town of Quincy" shall immediately after the passage of this act take measures to promulgate this law within the limits of the city of Quincy, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city for four weeks in succession prior to the day of election for said officers.

Duty of Pres't and trustees. To issue proclamations for election of officers

SEC. 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Adams county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from

Appeals allowed to circuit court

and granted by justices of the peace to the circuit court, under the law of this State.

**Election of mayor pro tem** SEC. 12. Whenever the Mayor shall absent himself from the city, or shall resign, or die, or his office shall be otherwise vacated, the Board of Aldermen shall immediately proceed to elect one of their number president, who shall be Mayor *pro. tem.*

**Act declared public** SEC. 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity, in this State, without proof.

**Acts repealed** SEC. 14. All acts or parts of acts coming within the provisions of this charter, or contrary to, or inconsistent with its provisions, are hereby repealed.

**City marshal or other officer may issue process throughout the county of Adams** SEC. 15. The city marshal or any other officer authorized to execute writs or other process issued by the Mayor, shall have power to execute the same any where within the limits of Adams county, and shall be entitled to the same fees for travelling as are allowed to constables in similar cases.

**Travel'ng fees** SEC. 16. The president and trustees of the town of Quincy shall cause an election to be held in said town on the third Wednesday in March next, at which the inhabitants of said town who are authorized to vote for State officers, shall vote for or against the adoption of this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall immediately take effect as a law, but if a majority of the votes given shall be against the adoption of said charter, then this act to be of no effect.

**Election for adoption of this charter**

**If voted against, act to be void**

APPROVED, by the Council, February 3, 1840.

**In force, Dec. 10, 1839.**

AN ACT, to incorporate the town of Lacon, in Marshall county.

**Body corporate**

**Name and style.**

**Powers.**

**Common seal**

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Lacon, in Marshall county, are hereby constituted a body politic and corporate to be known by the name of "the President and Trustees of the town of Lacon," and by that name shall be known in law, and have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever, may grant, purchase, receive and hold, real and personal property within the limits of said town, and no other, (burial grounds excepted) and may lease, sell, and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town, and may do all other acts as natural persons, may have a common seal, change and alter the same at pleasure.

SEC. 2. That all those tracts of land embraced within the



following boundaries, to wit: beginning at the N. W. corner of the N. W. fractional quarter of sec. 26, town. 30, north of R. 3, west of the third principal meridian, and running thence east with the half section line to the centre of section 35 of the same town. and range, thence south on the half section line to the centre of sec. 36, of the same town. and range, thence west with the half section line to the centre of fractional sec. 35 of the same town. and range, thence north to the Illinois river, and thence northwardly with said river at low water mark to the place of beginning, be, and the same is hereby declared to be within the limits or boundaries of the town of Lacon.

Boundaries of  
corporation

SEC. 3. The corporate powers and duties of said town shall be vested in a president and four trustees, who shall form a board for the transaction of business.

Powers vested  
in President  
and Trustees

SEC. 4. The president and members composing the board of trustees shall be elected annually on the first Monday in April to serve for one year, and until others shall be legally qualified; they shall be at least twenty one years of age, citizens of the United States, and shall possess a freehold estate within the limits of the corporation. Those persons only shall be qualified to vote for president and trustees, or in such town meetings as may be held in conformity to this act, who possess the requisite qualifications to vote for State officers, and have resided within the limits of the corporation six months previous to such elections or town meetings.

Annual elec-  
tion

Qualification

SEC. 5. The Board of Trustees shall appoint all officers of their board (the president excepted who shall be elected by the people) and shall be the judges of the qualifications, elections, and returns of their members, and shall have power to fill all vacancies in the board occasioned by death, resignation, or six months' absence of any member thereof. A majority shall constitute a board to do business, but a smaller number may adjourn from day to day, may compel the attendance of absent members, in such manner, and under such penalty as the board may provide; they may determine their rules of proceedings, and make such other rules and regulations for their own government as to them may seem expedient and proper.

Officers of Bd  
of Trustees

Vacancies

Quorum.

SEC. 6. The president of the board of trustees shall have power to call special meetings of the board whenever in his opinion the public good may require it. He shall have concurrent jurisdiction with justices of the peace in all civil and criminal cases arising under the provisions of this act, within the limits of the corporation, and shall receive the same fees and compensation for his services.

Special meet-  
ings

President's  
jurisdiction

Fees

SEC. 7. The board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding one per cent. upon the assessed value thereof, except as may be herein excepted, to make regulations to secure the general health of the inhabitants, to prevent and remove nuisances, and to provide for the health of the town.

Taxes to be  
levied

Health,

Nuisances	sances, to restrain cattle, horses, sheep, swine, and dogs from
Night watch	running at large, to establish night watches, erect lamps in the streets, and lighting of the same, to erect and keep in repair
Powers to license	bridges, to license and tax merchants, to regulate auctions, taverns, groceries and pedlars, theatrical and other shows, billiard tables and other amusements, to restrain and prohibit gaming houses, bawdy houses and other disorderly houses, to prevent the shooting of fire arms within the limits of the corporation, to establish and erect markets, to open and keep in repair streets, and avenues, lanes, alleys, drains, sewers, to keep the same free from incumbrances, to establish and regulate a fire department, to provide for the prevention and extinguishing of fires, to dig wells and erect pumps in the streets for the convenience of the inhabitants, or construct aqueducts, to supply the town with water, to regulate the storage of gun-powder, and other combustible materials, to regulate the police of the town and the election of town officers, to fix their compensation, to establish and enforce quarantine laws, and from time to time to pass such ordinances to carry into effect the provisions of this act, and the powers hereby granted, as the good of the inhabitants may require, and impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof, and that in cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, the
Markets	
Fire department	
Wells and pumps	
Aqueducts	
Combustible materials	
Quarantine laws	
Fines to be imposed	
Jurisdiction of president as justice peace	president of the board of trustees, or any justice of the peace within said incorporation, shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of certiorari allowed from such decisions, in the same manner as now is or may be hereafter provided by law for appealing from judgments of justices of the peace.
Writ of certiorari	

SEC. 8. The board of trustees shall have power to levy a tax for the erection of schools houses and the support of common schools within said corporation, and to raise money by loan on the credit of the town for commencing and prosecuting works of public improvements: *Provided, however,* That the same shall be submitted to a vote of the citizens of the town and approved by a majority thereof.

SEC. 9. That upon the application of the owners of two thirds of the real estate, upon any street, block or half block, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street, block, or half block, according to their respective fronts, for the purpose of grading and paving the side walks of said streets, blocks, or half blocks.

SEC. 10. That the board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys within the limits of said town, and to extend, open, and widen the same, and to set aside and appropriate sufficient ground for a square, for a market, and other public purposes

making the person or persons impaired thereby adequate compensation, to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders, and inhabitants of said town, not directly interested, who being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injuries that may accrue, and estimate and assess the damages which would be sustained by opening, widening or extension of any street, avenue, lane or alley, or setting aside and appropriating ground for a market square and other public purposes, and shall moreover estimate the amount which other persons will be benefited thereby who shall contribute towards compensating the persons injured, all of which shall be returned to the board of trustees under their hands and seals, and the person or persons who shall be benefitted and so assessed shall pay the same in such manner as shall be provided, and the residue if any shall be paid out of the town treasury.

Damages,  
how assessed

SEC. 11. That the trustees shall have power to survey and plat the grounds within the corporation limits and record the same, which, when thus surveyed, platted, and recorded, shall be a governing plat for town rules: *Provided, however,* That this shall be so construed as to give the trustees power so to vary from any established plat, as thereby to affect the rights of private individuals.

Proviso

SEC. 12. That whenever the owners of any lot or piece of ground within the limits of said incorporation shall neglect or refuse to pay the tax or taxes levied on the same when they may become due, it shall be the duty of the trustees to advertise the same for non-payment, either in a newspaper printed in said town or by posting in three of the most public places in said town for the space of sixty days, and on further failure of payment thereof, to sell at public sale said lot or piece of ground to pay said taxes and defray the expences of collection.

Neglect to  
pay tax on  
lots

Lots to be  
sold

SEC. 13. All ordinances shall, within ten days after their passage, be published, either in a newspaper if one is printed in the town or by posting in three of the most public places in said town.

Ordinances,  
how made  
public

SEC. 14. That when any real estate in said town shall be sold for the non-payment of taxes by the authority of said corporation, said lands may be redeemed in the time that other lands are redeemed by virtue of the laws of this State, upon paying the treasurer of the board double the amount of taxes for which the same was sold, together with all the costs accruing on such sale; land not redeemed under such sale shall be conveyed by special warranty under the seal of the corporation.

Lots and land  
sold, how may  
be redeemed

Conveyance  
of lands not  
redeemed

SEC. 15. The officers of said town in addition to the president and trustees, shall consist of one clerk, one street commissioner, one treasurer, three assessors, one town constable and collector, one town surveyor, and such other officers as the trus-

Additional  
officers



tees of said town may deem necessary for the good of said town.

Fire engine  
companies

SEC. 16. That the president and trustees of said town, shall, whenever they may deem it necessary, order the formation of fire engine companies and hook and ladder companies; said company to contain such number of members as the trustees by their ordinances shall direct.

Lands donated  
to town

SEC. 17. That all lots of land or parcels of ground in said town, or which have been conveyed by the original proprietors thereof, or other persons to the inhabitants of said town in their aggregate capacity, or to any person or persons in trust for them, or for their use and benefit, and all funds raised or to be raised by the sale of donation lots or otherwise, whether for the erection of school-houses, academies, or places of public worship, are hereby declared to belong to, and to be vested in said corporation, and shall be under the direction and management of the trustees aforesaid and their successors, and applied in the furtherance of the objects intended by the proprietors or donors thereof, and the said trustees shall have power to institute suits for the recovery of every or any such lots or parcels of ground should it be necessary, and to perfect in them or their successors the title thereof, or to make such other adjustment relative thereto, as to them shall seem expedient and proper: *Provided*, That nothing contained in this act shall be so construed as to affect the act incorporating the Lacon Academy.

Proviso.

Notice of  
town meetings

SEC. 18. That it shall be the duty of the board of trustees in such manner as they may hereafter provide to give notice of all town meetings to be held, whether for the election of trustees or any other purpose arising under the provisions of this act, by posting the same in three of the most public places in said town, and stating therein the object of such meeting: *Provided, however*, That not less than three days notice of such meetings shall in any case be given except in cases of emergency.

Proviso

Officers to  
take oath

SEC. 19. That the members of the board of trustees and any officer of said corporation, shall, before entering on the duties of his office, take an oath or affirmation before some judge or justice of the peace to support the constitution of the United States and of this State, and faithfully to discharge the duties of their several offices.

Division of  
town into  
wards  
Proviso.

SEC. 20. That the trustees may have power to divide said town into such number of wards as to them shall seem expedient and proper: *Provided, however*, That no stock belonging to citizens without the boundaries of said town shall be hurt by the authority of said corporation.

Successors to  
trustees

SEC. 21. That from and after the officers of said town are elected under the provisions of this act and qualified for office according to the previous sections of this act they shall be deemed in law successors to the trustees, elected under the

aforesaid general act, shall be carried into full effect by their successors.

This bill having been laid before the Council of Revision and ten days Certificate of not having intervened before the adjournment of the General Assembly, Secretary State and the said bill not having been returned with the objections of the council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to incorporate the Madison county Ferry Company.

In force,  
Feb. 3, 1840.

WHEREAS Thomas G. Lofton, William Gillham, Moses Seeds, Preamble

William Snyder, and John Wood, residents of Madison county, in this State, have represented to the General Assembly that they have, in good faith, contracted with Abel Rathburn Corbin, and Elizabeth Corbin, his wife, of the city of St. Louis, in the State of Missouri, for the ferry across the Mississippi river, between North St. Louis and a point in Illinois five rods north of the line between township two and three north, and also for the steam ferry boat Brooklyn, and can have a title therefor; and whereas it has been represented, that although the profits of said ferry have hitherto proved insufficient to induce any individuals to keep the same in operation for any considerable time, yet a company may be formed, under an act of incorporation, who will be able to maintain said ferry in such a manner as greatly to promote the public convenience: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas G. Lofton, William Gillham, William Snyder, Moses Seeds and John Wood, Body corporate and such others as may associate themselves with them, their successors and assigns, are hereby constituted a body corporate by the name of the "Madison County Ferry Company," for Name and the purpose of conveying, in steam or other boats, persons style. and property from this State, at a point five rods north of the place where the line between townships two and three north strikes the bank of the Mississippi river to the opposite shore, Location of ferry. at a place called North St. Louis; said company shall have succession for ten years, may sue and be sued, contract and Term of charter be contracted with, may have a common seal and change the same at their pleasure during their corporate existence.

SEC. 2. The business of said company shall be under the Business of comp'ny, how conducted entire control and management of five directors, to be chosen as hereinafter provided, which directors shall choose one of their number to preside over their deliberations. Said directors shall continue in office one year, and until their successors shall be elected and qualified.

SEC. 3. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each; fifteen per cent. on each share to be paid at the time of subscribing, and ten per cent. to be paid every four months thereafter, if required by the directors.

SEC. 4. If any stockholder shall refuse or neglect to pay the balance of his stock for ten days after the same shall have become due and after the same shall have been required by the directors, the president and directors may declare his stock forfeited for the benefit of the company.

SEC. 5. It shall be the duty of the president and directors to give notice by setting up at five of the most public places in this State, within six miles of said ferry, written or printed advertisements, at least ten days previous to the time when payments are required to be made; said advertisements to state what per centum on the stock is required to be paid, and the place where and the person to whom the same must be paid.

SEC. 6. Samuel Squire, Moses Seeds, Thomas Gillham, John Ives and Calvin Kinder, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock of said company, at such time and place as they may think proper, by setting up written or printed notices in five of the most public places in six mile township, at least ten days previous to the opening of the books for subscription of stock; said books to remain open until all the stock is subscribed, or until otherwise directed by said commissioners.

SEC. 7. As soon as one half of the capital stock of said company shall be subscribed according to the third section of this act, the aforesaid commissioners shall give notice to the stockholders in the manner prescribed in the sixth section of this act, that an election will be held for the purpose of choosing five directors of said company, and such election shall be held at the time and place previously appointed and advertised. Each stockholder present shall be entitled to give one vote for every share of stock owned by him. The commissioners aforesaid, or such of them as may be present, shall be judges of the first election of directors, and shall certify under their hands the names of the persons duly elected to the office of directors; and the commissioners shall deliver to said directors the subscription books together with all monies paid to them on stock.

SEC. 8. Elections of directors, subsequent to the election provided for in the preceding section, shall be held at some place in this State within five miles of said ferry landing, at such place and at such time in the month of January in each year, as the directors may think proper. For this purpose the directors are required to give ten days previous notice in the manner prescribed in the seventh section of this act, and to conduct the election in the same manner as the com-



missioners are required to conduct the election provided for in the said seventh section. If from any cause an election shall not be made at the time appointed, such omission shall not affect the existence of the company, but the president shall in such case appoint another day, as soon thereafter as may be for the holding of such election.

SEC. 9. The president and directors shall have power to make all by-laws and regulations that may be necessary for the transaction of business and the good government of the company, and to alter or amend the same as often as may be necessary: *Provided*, That such by-laws and regulations shall not be in contravention of this act, or of the constitution or laws of the United States or of this State. By-laws and regulations

SEC. 10. The rates of toll and license of said ferry shall be under the control of the county commissioners' court in the manner now provided, or hereafter to be provided, by the laws of this State regulating ferries. Co. com'rs to govern ferry

SEC. 11. No other ferry shall be established within one mile of the ferry authorized by this act, during the existence of the said company: *Provided*, That the General Assembly may repeal this section whenever, in their opinion, the public interest shall require it. No other ferry within 1 mile  
Proviso

SEC. 12. The stock of said company shall be transferable only on the books of the company.

SEC. 13. The said company shall have power to hold real estate not exceeding six hundred and forty acres; to build ferry houses, and build or purchase ferry boats of any kind; to improve roads and bridges; to borrow money not exceeding the amount of their capital stock: to employ engineers and ferrymen, and generally to do such other things as shall be necessary to keep said ferry in operation. Real estate held  
Engineers & ferrymen

SEC. 14. Said company may land its boat, or boats, at any point within one mile of its established place of landing whenever it may be necessary or convenient to do so, without being required to pay for any additional license, and for that purpose may use any public road or street, without let, hindrance or charges from any persons whomsoever.

SEC. 15. The company hereby incorporated may continue in existence during the term of ten years from the passage of this act.

APPROVED, February 3, 1840.

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AN ACT to relocate a certain State road in Pike county.

In force  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That William Blair, James Gates, and John Gaston, of Pike county, be, and they are hereby appointed commissioners to review and relocate much of the State road, leading from Griggsville in Pike road Commission-  
ers to relocate

county, to Kinderhook, as is situated between New Philadelphia and Kinderhook.

Time & place  
of meeting

SEC. 2. Said commissioners, or a majority of them, shall meet at Worcester, on the first Monday in April next, or within sixty days thereafter, and after being duly sworn by some justice of the peace to faithfully discharge their duties agreeably to the provisions of this act, shall proceed to review and locate that part of said road, situated as aforesaid.

Report in  
writing

SEC. 3. The said commissioners shall, within thirty days after having relocated said road, make report in writing, and file a copy of the same, in the office of the clerk of the county commissioners' court in Pike county.

Pay of com'rs

SEC. 4. When said road is relocated, it shall be opened and kept in repair. The county commissioners of Pike county shall allow said commissioners, and others employed in relocating said road, such a compensation as they may deem just and equitable.

APPROVED, Feb. 1, 1840.

In force,  
Feb. 3, 1840.

AN ACT concerning the Little Wabash river.

Co. com'rs of  
White may  
remove mill-  
dam

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of White county is hereby authorized to remove the mill-dam across the Little Wabash river, purchased by the State, if to the said court it shall appear advisable so to do.

APPROVED, February 3, 1840.

In force,  
Feb. 3, 1840.

AN ACT regulating the time of holding the court in the counties of Clinton and Bond.

Court in Bond

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the next term of the Bond circuit court shall be held on the fifth Monday of March, 1840, and all process, suits, and recognizances which have been or may be issued or entered into, and made returnable to, the said court, as at present arranged, shall be taken and considered to be returnable to the time fixed by this act, and shall be valid to all intents and purposes.

Judge of Clin-  
ton circuit  
court may or-  
der venue  
Clinton cir-  
cuit court

SEC. 2. That the judge of the circuit court of Clinton county may order a venire for any number of talismen that he may think proper, at the next term of the said court. This act to take effect from and after its passage; and the Spring term of the Clinton circuit court shall continue two weeks.

APPROVED, February 3, 1840.

AN ACT to authorise the trustees of schools in township eight north, range five east, to refund certain moneys. In force,  
Feb. 1, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools, in township number eight north, of range five east, of the fourth principal meridian, in the county of Peoria, be, and they are hereby, authorized to pay over to the purchasers of section number sixteen of said township, any amount of money the said purchaser may have over-paid, by reason of the said section or any part thereof having fallen short in quantity, from what the said section or any such division may have been supposed to contain at the time of sale. Trustees of schools in Peoria to pay over moneys

APPROVED, February 1, 1840.

AN ACT in relation to the Charleston Seminary and Jonesboro' College. In force,  
Feb. 3, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of the Charleston Seminary shall hold their offices until the first Monday in May next, and until their successors are elected and qualified. Trustees of Charleston Seminary

SEC. 2. That an election shall be held at the seminary on the first Monday in May next, and every four years thereafter, for seven trustees to said seminary, who shall hold their offices for four years, and until their successors are elected and qualified. Time of election

SEC. 3. Every person who shall have subscribed and paid five dollars, or who may hereafter subscribe and pay five dollars, shall be entitled to a vote for said trustees, and for every additional ten dollars so subscribed and paid in, [or] which may hereafter be subscribed and paid, an additional vote; which right to vote may be transferred. The trustees shall keep a record of the names of the donors, and the amount donated, and the names of the persons that such privilege is transferred to. Who entitled to vote  
Records

SEC. 4. The trustees shall have power to make such rules and regulations in regard to the manner of holding elections, and determining upon who shall be elected, as they may think proper; and to make such other rules and regulations for said seminary, as they may deem expedient. They shall keep a journal of their official acts, and may confer such degrees as are conferred by other institutions of learning. Powers

SEC. 5. The seminary shall not be used as a house of public worship, and no pupil excluded on account of his religious opinions. Seminary, how used

SEC. 6. The school commissioner of Coles county is hereby authorized and required to pay to the order of the president and trustees of the Charleston Seminary two hundred dollars Duty of school comr's of Coles co.



per year, out of the distributive share of the State fund, for purposes of education, to the county of Coles; and the said trustees are hereby authorized to expend said money in such manner as they may think proper for the use and benefit of said seminary.

**Expulsion of members**  
**Jonesboro' college**

SEC. 7. Two-thirds of the trustees shall have power to expel any member of said board of trustees for mal-conduct, and fill any vacancy which may occur from any cause whatever. And the provisions of this act shall apply to the Jonesborough College in all respects whatever, on condition that a majority of the qualified voters of said town of Jonesborough shall signify their willingness to the same by a vote of said town, on or before the first day of June next.

APPROVED, February 3, 1840.

**In force, Feb. 3, 1840.** AN ACT supplemental to an act entitled "an act to incorporate the Quincy House Company," approved March 2 [Feb. 21,] 1839.

**Capital stock may be extended.**  
**Lands of Ills. Land Co.**

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Quincy House Company be, and the same are hereby authorized and empowered to add to the capital stock of said Company, at any time before the first day of January, 1841, by a purchase of all the lands, tenements, hereditaments and appurtenances held by the Illinois Land Company, all of which said lands having been heretofore conveyed by sundry persons, to Charles F. Moulton, Daniel Low, David H. Nevins, John N. Gossler, John W. Leavitt, Joseph L. Joseph, Samuel S. Lewis, Amos Binnoy, James C. Dunn, Joseph Swift, Lemuel Lamb, Charles Atwater, and James B. Danforth; also to Lemuel Lamb, and Thomas Dunlap, at such price, and on such terms as the said Quincy House Company, and the Trustees and Directors on behalf of the Illinois Land Company may think proper to contract, which lands were purchased of sundry individuals by the said trustees and directors, and are situate in the State of Illinois, and constitute the joint interest of the Illinois Land Company, of which company John Tillson, jr., is their general agent.

**Additional stock**  
**Sales of lands**

SEC. 2. Upon the purchase of the lands and other property belonging to the Illinois Land Company, by the Quincy House Company, the said Quincy House Company may issue fifteen thousand shares of additional stock of one hundred dollars each, and the lands so purchased shall all be disposed of by said company on or before the first day of January, A. D. 1848, first offering the same at public sale at the office in Quincy, Illinois, giving at least sixty days previous notice of such sale by advertisement in at least four of the public newspapers printed in this State, and that certain portions of said land, not less than one-eighth of the quantity they may

own, shall be brought into market in each and every year, until all shall have been disposed of by the company, and that the minimum price at the public sale shall not exceed the government price, though after the public sale is over, all of said lands remaining unsold may be disposed of at any price, and on such terms as the said company may think proper.

SEC. 3. All deeds and documents of every kind, relating to the title of any property that may be conveyed to the Quincy House Company as aforesaid, and that may be found in anywise requisite to place on record, in order to show a more perfect chain of title to any portion of the property so held by them, may be recorded in the recorder's office of the county of Adams; and it shall not be requisite to record said deeds or documents in any other county in this State.

Deeds and papers may be recorded in Adams co.

SEC. 4. The Legislature reserve the right, after the first day of January 1843, to investigate the books and papers of the Quincy House Company, and to call upon the officers for any information they may wish for, in reference to a final disposition, by said company, of all the lands and other property conveyed to them by the trustees and directors of the Illinois Land Company, and to reduce the capital stock of the said Quincy House Company to the original capital of one hundred thousand dollars; and require them to confine their operations exclusively to the management of the same, and the business necessarily connected therewith.

Right reserved to Legislature

SEC. 5. Should the Illinois Land Company accept the provisions of this act, and consent to a sale of their property to the Quincy House Company, they shall signify their acceptance of the same by an instrument of writing under the hand and seal of John Tillson jr., the general agent, which said acceptance shall be filed with the secretary of the Board of Directors of the Quincy House Company, and by him entered upon the records of said company. Said secretary shall make out and certify a copy of said acceptance, and transmit the same to the Auditor of Public Accounts, to be by him filed and preserved in his office.

SEC. 6. The corporate existence of the said Quincy House Company shall wholly cease at the termination of twenty years from the passage of this act.

Existence of Quincy House Co.

APPROVED, February 3, 1840.

AN ACT to alter a certain State road in Fayette county.

In force, Feb. 1, 1840

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the State road leading from Greenville to Shelbyville, as lies in Fayette county, be, and the same is hereby, changed as follows: leaving the old road at Mathew Pope's line, in section twenty-nine, running thence fifty-eight rods to said Pope's corner; thence,

Road changed Alteration

north-east ninety-three rods, so as to intersect the old road at Jonathan Cooke's line, in section twenty-one, township eight north, range one west of the third principal meridian; any law to the contrary notwithstanding.

**SEC. 2.** The county commissioners of Fayette county may, at their March term, make an order for the relocation of said road, as described in the first section of this act, and when so surveyed and located, shall be declared a State road, and kept in repair as other public roads in this State. Said court is hereby authorized to pay all reasonable expenses which may be incurred in the relocation of said road.

APPROVED, February 1, 1840.

In force,  
Feb. 3, 1840.

AN ACT for the benefit of Wildy Lodge in the town of Galena.

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That John Turney, Constantine Kentlenback, Edward H. Snow, and John G. Potts, their associates and successors, in the town of Galena, be and they are hereby constituted a body politic and corporate, under the name and style of Wildy Lodge, number five, of the Independent Order of Odd Fellows, for the purpose of producing harmony and good fellowship, promoting their common interest, disseminating useful knowledge; to relieve and give succor to the distressed of their own order, and for the general purposes of charity and good feeling, and for no other purpose whatsoever. The said corporation is declared and hereby made capable in law to sue and be sued, plead and [be] impleaded; to have a common seal, and the same to alter and renew at pleasure: *Provided,* That the said corporation shall not hold more than one acre of ground with the improvements thereon, except such as shall be donated to and for the sole use and behoof of said corporation.

APPROVED, February 3, 1840.

In force,  
Dec 10, 1839.

AN ACT to vacate certain alleys in the town of Winnebago.

**SEC. 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of those alleys in the town of Winnebago, as run through block one, and block forty of said town, be, and the same are hereby vacated: *Provided,* That the consent of the owners of lots on said alleys shall first be obtained.

Certificate of  
Sec. of State

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and said bill not having been returned with the objections of the council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*



AN ACT for the benefit of Vesty Adaline Martin.

In force,  
Dec. 10, 1839.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Vesty Adaline Martin, of Shelby county, in this State, is hereby rendered free and capable in law of doing and performing every and all acts, which would be competent for persons of full age to do and perform, and all such acts shall possess the same validity, force, and effect, as if the said Vesty Adaline Martin was of legal and mature age. This act to take effect from and after its passage.

This bill having been laid before the Council of Revision, and ten days Certificate of not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the council, on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, the 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to incorporate the Kankakee manufacturing company.

In force,  
Dec. 10, 1830.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Jacob B. Merrick, Richard J. Wells, Jeremiah Price, Henry Green, Allen H. Howard, Artemus Doane, John G. Castu, and their associates and successors, be, and they are hereby constituted a body corporate and politic, by the name and title of the Kankakee Manufacturing Company, to be located in the town of Kankakee, La Salle county, and by that name and title shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity having competent jurisdiction.

SEC. 2. The said company shall be vested with full power to erect a dam across the Kankakee river, in said town of Kankakee, of such height and on such a plan as shall not obstruct the ordinary navigation of said stream, or interfere either with private or public rights to erect mills, furnaces, machine shops, and all other machinery for the purpose of transacting all kinds of manufacturing business which they shall deem proper, to give and receive promissory notes, to purchase, take, and hold such property, either real, personal, or mixed, as may be necessary to carry into effect the object of said company, and the same to sell, exchange, or otherwise dispose of: *Provided,* The quantity of real estate so purchased, and held by such company shall not exceed three hundred and twenty acres; to ordain, establish, and put in execution such by-laws, ordinances and regulations as may be necessary for the good government of said incorpo-

ration, to have a common seal, make, alter, break, or renew the same at pleasure, and to do all other acts and things which they may deem best for the interest of the company, not contrary to the law or the constitution.

**Sec. 3.** The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, at the pleasure of the company, which capital stock shall be divided into shares of one hundred dollars each. The total amount of debt which the company shall at any time owe, shall not exceed the amount of their capital stock; but in case an excess of debt shall be created or permitted, the private property of the board of directors under whose administration it shall happen, shall be holden for the same, but this shall not exempt the corporate property of the company from being also liable for such excess.

**Sec. 4.** The charter of incorporation hereby granted shall continue in force twenty years from and after the passage of this act.

**Sec. 5.** Subscriptions to the capital stock of said company shall be opened under the direction of Jeremiah Price, Richard J. Wells, Henry Green, A. H. Howland, and J. B. Merrick, who shall be directors from the time this act takes effect and until others are elected, and it shall be the duty of the directors for the time being, to call for and to demand of the stockholders respectively all sums of money by them subscribed at such times and in such proportions as they shall see fit, giving always sixty days notice in a public journal printed in or nearest to said town; and in case of failure on the part of any of the stockholders or their legal representatives to pay in said stock as required, or within thirty days thereafter, all the interest they may have in said company shall be forfeited to the members thereof. So soon as the capital stock shall have been subscribed, it shall be the further duty of the directors above named, to proceed to distribute the stock among the subscribers in such manner as they shall deem best for the interest and future prosperity of the company.

**Sec. 6.** The officers of said company shall consist of a board of five directors, one of whom shall be elected President of the board; they shall be chosen annually, from among the stockholders, at the time such elections may be held, and in such manner as a majority of the stockholders shall ordain and determine; each share of the stock shall be entitled to one vote, and the members may vote either in person or by proxy; a majority of the directors shall constitute a quorum to do business.

**Sec. 7.** The board of directors or a majority of them shall have power to call special meetings of the company and to fix the times of holding the annual meetings for the election

of officers, by giving sixty days previous notice in the nearest public journal; to fill vacancies that may occur in their own body, either by death or resignation, to hold their offices until their successors are elected; to appoint, employ, and dismiss at their pleasure a treasurer, secretary, and all other officers, agents, clerks, mechanics, laborers, and servants; and to fix their compensation, in order to execute and transact all the necessary and proper business of the company, and to make and prescribe such rules, regulations and by-laws, relative to the concerns of said incorporation as the interest of the company may require.

Notice  
Vacancies,  
how filled  
Treasurer &  
other officers,  
pay of  
Rules, by-  
laws

SEC. 8. It shall be the duty of said board of directors, at all times, to keep proper books of accounts, in which they shall register all the transactions of the company, which books shall at all times be subject to the inspection and examination of the stockholders, to make annual and semi-annual dividends of so much of the profits of said company as they shall deem advisable for the interest of the company, and whenever required by a majority of the stockholders to exhibit at a general meeting, as complete and perfect a statement of all the debts, credits, and of all other matters in relation to the affairs of the company, as may be deemed essential.

Books of ac-  
count  
Dividends

SEC. 9. The stock of said company shall be deemed personal property, and assignable and transferrable on the books of the company, but no stockholder indebted to the company shall be permitted to make a transfer or an assignment, until such debt be paid, or secured to be paid to the satisfaction of the directors.

Stock deemed  
personal

SEC. 10. A majority of the stockholders may call a special meeting of the company when they deem it necessary.

Special meet-  
ings

SEC. 11. This act is hereby declared a public act, and shall take effect from and after its passage; and the Legislature hereby reserves the right to alter, modify, or repeal this act, or any part of its provisions, whenever they may deem the public interest to require the same: *Provided*, That in case of repeal, the said corporation shall be allowed such reasonable time to dispose of their property, and close their concerns, as in the wisdom of the Legislature may be deemed equitable and just.

Public act  
Right reserv-  
by Legisla-  
ture  
Proviso

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the council on the first day of the present session of the General Assembly, the same has become a law.

Certificate of  
Sec. of State

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*



In force, AN ACT to incorporate the Vandalia and Mississippi Turnpike Company.  
Dec. 10, 1839.

Body corporate	SEC. 1. <i>Be it enacted by the people of the State of Illinois, represented in the General Assembly,</i> That James Black, James T. B. Stapp, Robert K. McLaughlin and Robert Blackwell of Fayette county, Thomas Keys, Seth Blanchard, J. W. Fitch, William S. Wait, James Bradford, William Smith, Lorenzo D. Plant and Duncan Johnson of Bond county, James Reynolds of Madison county, Vital Jarrott, William W. Romann and Benjamin T. Kavanaugh of St. Clair county, and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "the Vandalia and Mississippi Turnpike Company," shall be able and capable in law and equity, to defend and be defended, answer and be answered into, in any and all courts of justice whatever, to purchase or receive donations of land, money, or other valuable thing, to borrow money, and do all matters and things necessary to carry into effect the objects contemplated in this act as fully as natural persons could do, for the purpose of raising means to complete the road hereinafter named, but for none other; to make and use a common seal, and the same to alter, change, or renew at pleasure, and shall be able in law to make contracts, and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry unto effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.
Name and style	
May receive donations in hand &c.	
May have a seal	
To make by-laws	
Capital stock \$500,000	SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock if necessary to accomplish the objects herein contemplated.
Shares	
Capital stock may be increased	
Time & place of meeting of directors	SEC. [3.] The directors in this act named or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their own body to be president; and after such organization, any three of said board shall be a quorum to do business, but after an election for directors it shall require five to form a quorum.
Election of President	
Quorum	
Appointment of agents.	SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers, and persons necessary to carry into effect this act, they shall keep a journal of all their proceedings, in which shall be entered all by-laws, rules, and regulations and all orders for the payment of such allowances, as may be made to their officers, and all others in their employment, which journal shall from time to time be read, corrected and signed by the president. They may sit on their own adjournment, or on the call of the president. When the president is absent, they may appoint a president <i>pro tempore</i> : they shall fill all vacancies that may happen in their own body.
Journals of proceedings	
President pro tem.	

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and such place or places as they may choose, one notice of which shall be given in some public newspaper in this State; in each of which books the following entry shall be made: we, the undersigned promise to pay the sum of      dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as the president and directors of the Vandalia and Mississippi turnpike company may direct, witness our hands this      day of.

Books of subscription

Entry to be made in subscription books

SEC. 6. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, to subscribe for any amount of the capital stock, and the said corporation may, by an agent, offer for sale in every other State any amount of stock upon such terms and conditions as may be thought advisable, and they shall have power on their own credit to borrow upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper, but the amount required shall be made known at the notice for opening the books, and any further payments on the stock shall be under the control of the corporation.

Who may subscribe for stock

May borrow money

Amount to be paid on each share subscribed

SEC. 7. As soon as five hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof in such newspaper in this State, and in such notice appoint a time and place for the stockholders to meet and elect eleven directors who shall be stockholders and citizens of this State, and which election shall be by ballot, conducted under the superintendence of an inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes for directors, shall be declared duly elected; no share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator, or executor, or trustees, or guardians, or by the agent of any corporation, or of any person having a right to, may vote by proxy.

When 500 shares are taken, directors may be chosen

Qualifications

Elections how conducted

Shares, when not entitled to a vote

SEC. 8. It shall be the duty of the directors elected as above and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

Directors to meet and elect President

Term of office of officers

SEC. 9. All elections after the first, shall be held on the first Monday in January, annually, under the direction of the stockholders present, of which election notice shall be given;

Annual elections

but should no election be held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

**SEC. 10.** Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held, they shall be signed by the president and countersigned by the clerk, the stock shall be transferrable on the books of the corporation only, by an agent or attorney, or by the administrator, executor, trustee, or guardian, but such stock shall be at all times holden by the corporation for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

**SEC. 11.** The corporation shall have power to call for such portions of the stock subscribed not exceeding twenty five per centum every six months, as they may think proper, to be paid at such times and places as they may designate by giving sixty days notice in some newspaper of this State, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholders shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against [any] delinquent for the amount due, and called for, in any court of competent jurisdiction, and recover the amount with two per centum interest thereon, per month, and if the amount cannot be made on execution, or if [said] delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent before the forfeiture of his stock shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper for the faithful performance of their duties.

**SEC. 12.** The corporation, by their agents shall have power from time to time to examine, survey, mark, and locate the road for a turnpike road from the termination of the Cumberland road in Vandalia, or in case said road is continued to Alton or elsewhere not on the line proposed in this charter, then from some convenient point on said road to be selected by the president and directors of this corporation, so as to pass by the way of Greenville or to branch at Greenville, and thence to Amity in Bond county, and thence to the Mississippi river in Illinois town, or at a point opposite to the upper ferry, opposite North St. Louis with full power to diverge from a direct line, not exceeding two miles in twenty between the points named, when more favorable ground can be had for the construction of said road, the same to be not more than eighty feet in width, and the said corporation shall



have full power and authority to open books for the subscription of stock for the entire construction of said road its whole length, as said corporation may deem most advisable under the regulations and provisions of this act.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation by their agent or persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road, but no stone, gravel or other material shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid. Materials to construct road

SEC. 14. It shall be lawful for the corporation either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road as also the stone, gravel, timber, and other materials that may be obtained on said route; and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments, and donations, gifts, grants, or bequests, made and entered into, in writing, by any person or persons, able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be made in writing by the party making the same. Relinquishment of lands where road passes  
Contracts, &c made to be binding  
Proviso

SEC. 15. That in all cases where any person through whose land the road may run shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstances occur or may exist, and such justice shall thereupon summon the owner of said land to appear before him upon a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages if any, view the land or materials, and after having taken into consideration the advantages as well as disadvantages, the road may be to the same, report thereon whether such person is entitled to damages or not, and if so how much; and shall file said report with said justice; whereupon said justice shall enter judgment thereon unless for good cause shown; and in case either party shall show sufficient cause Refusal to relinquish  
Damages to be assessed when lands are taken

Proviso why judgment shall not be entered, the justice may grant a review of the premises either with or without costs: *Provided*, either party may at any time after the rendition of judgment appeal to the circuit court of the proper county, as in other cases, and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

Appeals allowed to circuit court.

Judgment of circuit court final.

SEC. 16. And in all cases when the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment [of] viewers, to be posted up in three of the most public places in the county, and if no person should appear on the day named in said [notice] such justice shall adjourn the same until that day two weeks, at which time he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages, or both, according to the award against them, the corporation shall be seized of the land or materials; costs shall be allowed or awarded against either party at the discretion of the justices.

When corporation shall be seized of lands

SEC. 17. If it shall be found necessary to the construction and location of said road, the corporation shall have the right to lay the same along and upon any State or county road: *Provided, however*, before such location is made the corporation shall apply to the county commissioners in their respective counties through which the said road will run, for said right, and the said county commissioners are hereby vested with power to grant to said corporation such right, and shall enter the same on the records of said county or counties, as the case may be: *Provided also*, That said corporation shall not have power to create any toll gate upon any bridge or embankment which shall have been made at the expense of the State or of the county; nor shall they have power to fence up or in any manner obstruct any State or county road now in existence, or which may be in existence at the time when the proposed turnpike road shall be surveyed.

Proviso

Right of way

Proviso

Where toll gates shall not be placed

No road to be obstructed

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in the right of way over such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid; and no person, body politic or corporate shall in any way interfere with, molest, injure, or disturb any of the rights and privileges hereby granted.

Right of corporation to road

SEC. 19. The corporation shall commence the construction of said road within five years, and complete the same within twenty years from its commencement: *Provided*, That if any one of the sections of said road shall be completed within the time aforesaid, the charter shall not be forfeited

Time of commencement & completion of road

Proviso

as to that part of said road so completed, although the residue of said road may not have been completed within the time aforesaid.

SEC. 20. The corporation shall cause said road to be opened not exceeding eighteen [eighty] feet wide, at least twenty feet of which shall be made an artificial road composed of stone, gravel, or other suitable materials, well compacted together, in such manner as to secure a firm, substantial, and even road, rising in the middle, with a gradual curve, and shall maintain and keep the same in good repair, and in no case shall the ascent in the road be greater than an elevation of five degrees.

SEC. 21. That when said road or any particular section, (ten miles constituting a section,) thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the Secretary of State; and after that time it shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of land on said route the amount of damages they may sustain by such change.

SEC. 22. That if said road after its completion, or any section thereof shall be sufficient [suffered] to go to decay, or be impassible for [one] year unless when the same is repaired, this charter shall be considered as forfeited.

SEC. 23. As soon as the said corporation shall have completed the road as aforesaid, or any section thereof, or ten miles beginning at Vandalia on the eastern end of said road, and so on from time to time, as often as ten continuous miles of said road shall be completed, an agent shall be appointed by the Governor, if not otherwise directed by the Legislature, who shall on the application of the corporation examine the same, and report his opinion in writing to the corporation; and if such report shall state the road or any ten continuous miles of the same to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than ten miles, and demand and receive of persons travelling said road the tolls allowed by this act: *Provided*, That whenever that portion of the said turnpike road as lies between the Mississippi river and the bluffs, east of the American Bottom, shall be completed; the said company may erect toll gates and demand and receive tolls for travel thereon at the rates herein allowed *pro rata*, should the distance between said points be less than ten miles.

SEC. 24. The following shall be the rates of toll for each and every ten miles of said road, and in proportion for a greater or less distance, to wit: for every four wheeled carriage, wagon, or other vehicle drawn by one horse or other animal — cents; for every horse or other animal in addition, six and one fourth cents; for every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse or other



animal — cents; for every horse or other animal in addition six and a fourth cents; for every sled or sleigh, drawn by one horse or other animal, twelve and one half cents; for every horse or other animal in addition, six and one fourth cents for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse, twenty-five cents; for every additional horse twelve and a half cents; for every horse and rider six and a fourth cents; for every horse, mule or ass, six months old or upwards, led or driven, three cents; for every head of neat cattle, six months old or upwards, one cent: *Provided*, That all persons going to and returning from public worship, and all militia men going to and returning from muster, and all funeral processions, shall pass said road free of toll: *Provided, also*, That the Legislature may at any time after the expiration of ten years from the time of the completion of said [road] or any section thereof, make any reasonable alteration in the rates of toll aforesaid.

Proviso.

Exemptions  
from toll

Proviso

Right of Le-  
gislation

Fraudulent  
practice to  
evade tolls,  
how punished

Forfeiture

Proviso

Company fail-  
ing to keep  
road in re-  
pair for ten  
days, shall  
not be allow-  
ed to receive  
tolls

Penalty

SEC. 25. If any person or persons using said road shall with intent to defraud said company, or to evade the payment of tolls, pass through any private gate, or bars, or along any other ground near to any turnpike gate which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such toll, or if any person shall take another off said road, with an intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with cost of suit in an action of debt, at the suit of the corporation before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed as to prevent persons residing on said road from passing thereon about their premises between the gates, for common and ordinary business.

SEC. 26. If the said corporation shall fail for ten days in succession, to keep said road in repair, and complaint be made thereof to a justice of the peace of the county, it shall be his duty forthwith to summon three disinterested judicious freeholders to examine the same; and he shall give notice to the toll-gatherer at the nearest gate, of the time when said freeholders will proceed to examine that part of said road complained of, and the said freeholders, after having taken an oath or affirmation to act impartially, shall proceed in the examination; and if they shall find the same out of repair, they shall certify it to a justice of the peace, who shall immediately transmit a copy of said certificate to the nearest toll-gatherer, where such defective part of the road lies; and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same shall be put in complete repair, under the penalty of five dollars for

every such offence, to be recovered of said corporation with costs of suit, and for the use of the party aggrieved.

SEC. 27. If any person shall wantonly or wilfully destroy, or in any manner injure or obstruct, any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every person shall, on conviction thereof, before a justice of the peace of the county, be liable to a fine of not more than fifty, nor less than five dollars for every such offence, to be recovered in action of debt at the suit of the State of Illinois, to go to the county school fund in the county where the injury may have been committed; and such offender moreover, shall be liable for all such damages to the corporation, and for injury accruing to travellers in consequence of any such unlawful damage or obstruction of the road; all damages and costs under this section shall enure to the parties entitled to the same, and shall be collected by execution before any court having competent jurisdiction thereof.

Persons injuring road, liable to fine

Fine, how appropriated

SEC. 28. The company shall put up a post or stone at the end of each mile, with the number of miles from fairly cut or painted thereon; and also, in a conspicuous place near each gate shall be placed a board with the rates of toll fairly painted thereon, and such other matters in relation to direction as may be necessary.

Mile stones on road

SEC. 29. Any person wilfully destroying, defacing or removing any guide board, mile post, or stone, or list of rates of [tolls] erected on said road, shall, on conviction thereof before any justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit, and for the use of said corporation.

Persons defacing guide boards to forfeit

SEC. 30. If any toll-gatherer on said road shall unreasonably detain any passenger after the toll has been paid, or tendered, or shall demand or receive greater toll than is by this act allowed, he shall, for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action shall be brought against any person or persons, for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days from the time of incurring the same; and the defendant or defendants, in any such suit or action, may plead the general issue and give this act in evidence with any other special matter.

If toll-collector shall detain passengers

liability  
Proviso

SEC. 31. The corporation shall cause to be kept, a fair account of the whole expense of making and repairing said road, or any section thereof, with all incidental expenses, and also, a fair account of the tolls received; and the State shall have the right to purchase the stock of said company at any time after twenty years, on paying said corporation a sum of money which, together with the tolls received, shall equal the cost and expenses of said Turnpike road as aforesaid, with an interest of ten per centum per annum, and the books of the

Account of expense of road to be kept, & tolls received  
Right of State to purchase stock

Agent of State may examine books  
 Company refusing to exhibit books, charter to be forfeited

corporation shall always be open for the inspection of any agent of the State appointed for that purpose by the Legislature; and if the said corporation shall neglect or refuse to exhibit at any time their accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

Right to collect tolls

Proviso

SEC. 32. The said corporation shall be, and are hereby authorized and empowered to demand and receive the same toll, and proceed in the same manner to collect the same from the drivers, owner, or owners of any stage, carriage, or sleigh, in which shall be conveyed the mail of the United States, as they have by this act a right to do from the drivers of similar carriages and sleighs, drawn by the same number of horses in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents, to stop or detain any person, carriage, sleigh or horse, while actually employed in the conveyance of the said mail.

Co. com'rs may subscribe for stock

Limitation of charter

SEC. 33. It shall be lawful for the county commissioners of each and every county through which the said road may run or pass, for and [in behalf of] such county, to authorise by an order as much of the stock to be taken as they may think proper.

SEC. 34. This charter is to be limited to twenty years in its duration.

Proviso

Further proviso

Road may be commenced at Greenville

SEC. 35. *Provided however*, That nothing in this act shall be so construed, as to interfere in any manner whatever, with the location by the United States, of the Cumberland Road, between the points designated in this act: *Provided also*, That if said company or corporation should deem it advisable, they shall have the right and privilege of commencing said work at the town of Greenville aforesaid, and constructing the same to St. Louis in the first instance, and suffer that portion between Vandalia and Greenville, to remain to be finished lastly.

Act when in force

Considered a public act

SEC. 26. This act to be in force from and after its passage, and shall be taken, and considered a public act in all courts of record within and out of this State, as also, in courts of justices of the peace, and shall be beneficially construed.

Certificate of Sec. of State

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*



AN ACT to provide for securing to mechanics and others liens for the value of labor and materials. In force,  
Dec. 10, 1839

SEC. 1. *Be it enacted by the People of the State of Illinois,* <sup>Persons furnishing materials for buildings, to have lien on the same</sup> *represented in the General Assembly,* That any person who shall, by contract with the owner of any piece of land or town lot, furnish labor or materials for erecting or repairing any building, or the appertenances of any building on such land or lot, shall have a lien upon the whole tract of land or town lot, in the manner herein provided, for the amount due to him for such labor or materials.

SEC. 2. The lien shall extend to all work done and materials furnished under the provisions of the contract, whether the kind or quantity of work, or amount to be paid, be specified or not: *Provided,* <sup>Extent of lien</sup> That the time of completing the contract shall not be extended for a longer period than three years, nor the time of payment beyond the period of one year, from the time stipulated for the completion thereof. <sup>Proviso</sup>

SEC. 3. When any sum due by such contract shall remain unpaid after the same is payable, the creditor may, upon bill or petition to the circuit court of the county in which the land or lot lies, obtain an order for the sale thereof, and for applying the proceeds of such sale to the discharge of his demand; and the filing of the bill or petition in the clerk's office, and suing out a summons thereon, shall be deemed the commencement of the suit. <sup>Creditor may obtain order for sale</sup> <sup>Commencement of suit</sup>

SEC. 4. The bill or petition shall contain a brief statement of the contract on which it is founded, and of the amount due thereon, with a description of the premises which are subject to the lien, and all other material facts and circumstances necessary to a full understanding of the rights of the parties, and shall be considered as the foundation of the plaintiff's action; and upon the filing of which with the clerk, a summons shall issue thereon against all persons made parties as is required upon filing bills in chancery. <sup>What petition shall contain</sup> <sup>Summons to issue</sup>

SEC. 5. For the purpose of bringing all parties in interest before the court, the court shall have power to permit amendments to any part of the pleadings, and to issue process, make all orders requiring parties to appear, and requiring notice to be given by publication in newspapers, that are or may be authorized in proceedings in chancery; and the court shall have the same power and jurisdiction over the parties and subject that are or may be conferred upon courts in chancery in respect to proceedings before that court. <sup>Amendment to pleadings</sup> <sup>Power of court</sup>

SEC. 6. Suits instituted under the provisions of this act, shall be placed upon the common law docket, and shall stand for trial at the term of the court to which the summons is made returnable. The summons shall be served by the sheriff as other process; but if not served ten days before the return day thereof, the cause shall be continued, unless the parties agree to a trial at that term of the court. <sup>Suits to be placed on common docket</sup>

**Issue formed** SEC. 7. Defendants, in proceedings under this act, shall answer the bill or petition under oath; and the plaintiff shall except or reply to the answer as though the proceeding was in chancery; the answer shall be regarded as the plea of the defendant, and by the replication thereto, an issue or issues shall be formed, which shall be tried by the court or by a jury under the direction of the court, as the court may direct or the parties agree.

**Oral testimony** SEC. 8. Every defendant served with process ten days before the return day thereof, shall answer the bill or petition on or before the day on which the cause shall be set for trial on the docket, and the issue or issues in the cause shall be made up under the direction of the court, and oral testimony shall be received as in cases at law.

**Notice to parties** SEC. 9. Notice given to parties by publication in newspapers, under the direction of the court, shall be equivalent to personal service of such notice.

**Persons may become parties** SEC. 10. In proceedings under this act, all persons interested in the subject matter of the suit, or in the premises intended to be sold, may, on application to the court wherein the suit is pending, become parties at any time before final judgment.

**No preference to creditors** SEC. 11. Upon questions arising between different creditors, no preference shall be given to him whose contract was first made.

**Proceeds of sales, how applied** SEC. 12. Upon the trial of causes under this act, the court shall ascertain the amount due each creditor, and shall direct the application of the proceeds of sales to be made to each in proportion to their several amounts.

SEC. 13. When the owner of the land shall have failed to perform his part of the contract, and by reason thereof the other party shall, without his own default, have been prevented from performing his part, he shall be entitled to a reasonable compensation for as much thereof as he has performed in proportion to the price stipulated for the whole, and the court shall adjust his claim accordingly.

**Division of premises** SEC. 14. If any part of the premises can be separated from the residue, and sold without damage to the whole, and if the value thereof should be sufficient to satisfy all the claims proved in the cause, the court may order a sale of that part.

**Parties to liens when claim is not due** SEC. 15. Parties entitled to liens under the provisions of this act, whose claims are not due or payable at the time of the commencement of suit by any other party, shall be permitted to become parties to the suit, and their claims shall be allowed, subject to a reduction of interest from the date of judgment to the time such claim is due or payable.

SEC. 16. In cases under this act, where there are several claimants, the issue of law and fact, or either, may be tried separately, and in no case shall the want of preparation for trial to one claim, delay the trial in respect to others; but trials shall be had upon issues between such parties as are prepared,

without reference to issues between other parties; and when one creditor shall have obtained a verdict or judgment for the amount due, the court may order a sale of the premises on which the lien operates or a part thereof, so as to satisfy the judgment: *Provided*, That the court may, for good causes shown, delay making any order of sale until the rights of all parties in interest shall be ascertained and settled by the court.

SEC. 17. If the person who procures work to be done, or materials furnished, has an estate for life only, or any other estate less than a fee simple in the land or lot on which the work is done, or materials furnished, or if such land or lot, at the time of making the contract, is mortgaged, or under any other incumbrance, the person who procures the work or materials, shall nevertheless be considered as the owner within the meaning of this act, to the extent of his right and interest in the premises; and the lien herein provided for, shall bind his whole estate and interest therein, in like manner as a mortgage would have done; and the creditor may cause the right of redemption, or whatever other right or estate such owner had in the land at the time of making the contract, to be sold, and the proceeds of sale applied according to the provisions of this act.

SEC. 18. Suits may be instituted under the provisions of this act in favor of administrators or executors, and may be maintained against the representatives in interest of those against whom the cause of action accrued; and in suits instituted under the provisions of this act, the representatives of any party who may die pending the suit, shall be made parties as though it was a suit in chancery.

SEC. 19. Upon proceedings under this act, parties claiming may contest each other's rights as well with respect to amount due, as with respect to their right to the benefit of the lien hereby created; and upon all questions made by parties, the court shall require issues of law or fact to be formed, so as to bring about a speedy decision thereof.

SEC. 20. No incumbrance upon land created before or after the making of a contract, under the provisions of this act, shall operate upon the building erected, or materials furnished, until the lien in favor of the person doing the work or furnishing the materials, shall have been satisfied; and upon questions arising between previous incumbrances and creditors, under the provisions of this act, the previous incumbrance shall be preferred to the extent of the value of the land at the time of making the contract, and the court shall ascertain by jury or otherwise, as the case may require, what proportion of the proceeds of any sale shall be paid to the several parties in interest.

SEC. 21. Parties in interest, within the meaning of this act, shall include all persons who may have any legal or equitable claim to lands or lots upon which a lien may be attempted to be enforced under the provisions of this act.



Creditors may  
contest the  
validity of  
incumbrances

SEC. 22. Creditors who file bills or petitions under this act, may contest the validity of incumbrances, as well in regard to amount as to their justice; and any incumbrance, whether by mortgage, judgment or otherwise, charged and shown to be fraudulent in respect to such creditor, or in respect to creditors generally, may be set aside by the court, and the premises made subject to the claim of the creditor freed and discharged from such fraudulent incumbrance.

Powers of  
courts

SEC. 23. In proceedings under this act, the courts are vested with all the powers of courts of chancery, and shall be governed by the rules of proceeding and decision in these courts, so far as that power may be necessary to carry into full and complete effect the provisions hereof, and so far as those rules of proceeding and decision are applicable to cases and questions presented for adjudication and decision.

SEC. 24. No creditor shall be allowed to enforce the lien created under the provisions of this [act,] as against or to the prejudice of any other creditor or any incumbrance, unless suit be instituted to enforce such lien, within six months after the last payment, for labor or materials, shall have become due and payable.

SEC. 25. Nothing contained in this act shall be construed to prevent any creditor from maintaining an action at law upon his contract, in like manner as if he had no lien for the security of his debt.

Where sale is  
insufficient  
to pay claims

SEC. 26. If upon making sale of any premises under this act, the proceeds of such shall not be sufficient to pay the claims of all parties according to their rights, the judgment shall be credited by the amount of such sale, and execution may issue in favor of any creditor whose claim is not satisfied for the balance due, as upon a judgment in actions of debt or assumpsit; and in case of excess of sales over the amount of judgment, such excess shall be paid to the owner of the land, or to the person who may be entitled to the same, under the direction of the court.

Costs how  
paid

SEC. 27. The costs of proceeding under this act, as between creditors claiming liens and the person against whom the lien is intended to be enforced, shall abide the event of the suit; and the costs, as between creditors aforesaid, in contest relative to each others' claims, shall be subject to the order of the court, and the same rule shall prevail in respect to costs growing out of proceed [proceedings] against and between incumbrances.

Act repealed

SEC. 28. The act entitled "An act for the benefit of mechanics, approved 22d February, 1833," is hereby repealed; but rights acquired and liabilities incurred, under that act, shall not be affected by the repeal thereof. This act shall take effect on the first day of May next.

Certificate of  
Sec. of State

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly,

and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, it has become a law.  
Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to incorporate the Montibello Manufacturing company.

In force,  
Dec. 10, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described, are hereby constituted and declared a body corporate and politic, by the name of the "Montibello Manufacturing Company," to be located upon the lower rapids of the Mississippi river, in the county of Hancock, at some point between the north line of the south-east quarter of fractional section twelve, and the north of the creek commonly known by the name of Chancy's Creek; and by that name they, their successors, and assigns, shall have succession, for and during the term of twenty years, and be capable, in law, to sue and be sued to final judgment and execution, plead and be impleaded, defend and be defended, in all courts and places whatsoever; to make, have and use a common seal, and the same to break, renew or alter at pleasure.

Body corporate  
Name and style  
Location

Powers  
Term of charter

SEC. 2. The said company shall be authorized and empowered to erect, build, put in operation, employ, work or use all kinds of mills and machinery for the manufacturing of flour, lumber and other useful articles, and for these purposes they are hereby authorized to take any quantity of water from the Mississippi river that they may deem necessary, and to build, erect, construct and support in the said Mississippi river, any wing dam, barrier, or other means to use that may be necessary to increase the fall, or to conduct and control so much of the water of the said river as may be required for the purposes of the said company: *Provided,* That no such dam, barrier, or obstruction shall be so built, constructed or placed in said river, as in any way to obstruct or injure the navigation thereof.

Further powers

Proviso

SEC. 3. The capital stock of said company shall be ten thousand dollars, divided into one hundred shares of one hundred dollars each, which the stockholders, at a general meeting, and by a vote representing in its majority at least two-thirds of the stock subscribed, may increase to any sum not exceeding one hundred thousand dollars in any form or manner that they may deem proper: *Provided,* That the amount of debts which the said company shall at any time owe, shall not exceed the amount of their capital stock, and in case of such excess, those under whose administration it shall happen, shall be holden for the same, in their natural and private capacity; but this shall not be construed to exempt the corporate property of the company from being also liable and chargeable for such excess.

Capital stock  
\$10,000

May be  
\$100,000  
Proviso

Property liable

Commissioners to obtain subscriptions

\$1 to be paid on subscription

Directors to be elected annually

Term of service

Treasurer to be sworn and give bond

Shares to each vote

When fifty shares shall be taken

Election of Directors and Treasurer

First election

Majority required to elect

Choice of president

Quorum

SEC. 4. For the purpose of carrying into effect the objects of this corporation, Abram Smith, Cyrus Felt, Enoch D. Brown, Alpheus Kemball, Philemon Frances, Matthew Gray and M. D. Billings, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and it shall be the duty of said commissioners, or a majority of them, as soon after the passage of this act as may be, to take or adopt such measures, pursue such course for the obtaining of said subscriptions, and for completing the same, as they may deem most expedient and proper; but every subscriber, at the time of subscribing, shall pay to said commissioners the sum of one dollar for each share subscribed.

SEC. 5. The stock, property and concerns of the said corporation, shall be managed and conducted by five directors, who, at the time of their election, shall be stockholders, and shall be chosen annually by ballot, on the day and at the place of holding the annual meetings of said corporation. Said directors shall hold their office for the term of one year from the time of their election, and until their successors are elected; there shall also at the same time and place, for the same term and in the same manner, be chosen a treasurer, who shall possess the same qualifications as a director, shall be sworn to the faithful discharge of his duty, and shall give bond in such amount and in such manner as the president and directors shall prescribe.

SEC. 6. At all elections and in all other matters wherein a vote of a corporation shall be taken, every stockholder shall be entitled to one vote for each share to the number of ten, and one vote for every five additional shares, which votes may be given in person or by lawful proxy.

SEC. 7. As soon as fifty shares shall be taken, the commissioners shall give at least thirty days notice thereof in one or more newspapers in this State, and appoint in such notice the time and place for such subscribers to meet, for the purpose of choosing directors and treasurer; at the election to be held as aforesaid, the said commissioners, or such of them as may attend, shall be inspectors, and their certificate of the names of the persons elected, shall be conclusive evidence of such election; at the first election held for directors and treasurer, the ballots shall contain the name of the person voted for, the name of the stockholder claiming to vote, and the number of votes he claims to be entitled to; and it shall require a majority of all the votes given to constitute a choice; but all subsequent elections shall, in these respects, be held and conducted as the corporation in their by-laws shall direct.

SEC. 8. The directors when elected as aforesaid, shall immediately proceed to the choice of one of their number for president, who shall be elected for one year, and shall be president of the company for the time being. A majority of the board of directors shall constitute a quorum for doing



business, and, in the absence of the president, may choose a president pro tempore; and so soon as the said directors shall be elected and enter upon the duties of their office, the commissioners shall deliver over to the said directors all the books containing subscriptions to the capital stock, and account for money received on such subscriptions.

SEC. 9. The president and directors shall appoint a clerk, whose duty it shall be to keep a fair record of the proceedings and transactions of said corporation. The directors may meet at such time and places as they may think proper, may appoint such superintendants and agents as they may deem necessary; employ such workmen and make such contracts as they may deem conducive to the interests of the said corporation.

SEC. 10. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock, at such times and in such proportions, and on such conditions, as they shall deem fit under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place and time where and when the same are to be paid, at least sixty days previous to the payment of the same, in some public newspaper of this State.

SEC. 11. The said company shall have power to make, or to amend and establish all such by-laws, rules and regulations, and ordinances, as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and the well-ordering, regulating and securing of the interests and affairs of the company: *Provided*, that the same be not repugnant to the constitution and laws of this State or of the United States.

SEC. 12. The said company shall have power and be capable of holding, purchasing, improving, selling and conveying any estate, real or personal, for the use of said corporation: *Provided*, That the quantity of real estate held by the said corporation, shall not at any one time exceed six hundred and forty acres.

SEC. 13. The stock shall be deemed personal property, and shall be transferrable by certificate signed by the president, and attested by the treasurer; and all conveyances of real estate, so executed, shall be valid and binding on said corporation; but no such holder indebted to the corporation shall be permitted to make a transfer until such debt be paid or secured to the satisfaction of the directors.

SEC. 14. The company shall at all times keep proper books of accounts, in which shall be registered all the transactions of the corporation, and the same shall at all times be subject to the inspection of the stockholders; and it shall be the duty of the directors to make annual dividends, or at such other times as a majority of the directors shall direct, of so much of the profits of said company as to them, or a majority of them, shall appear advisable; and the directors, whenever required by a majority of the stockholders, shall exhibit, at a

Clerk, how appointed

Meetings of corporation

Payment of subscriptions

Forfeiture of payment

By-laws

Proviso

Powers

Proviso

Stock deemed personal property

How transferred

No transfer allowed till debts are paid

Annual dividends

Statements to general meeting, a full and perfect statement of the debts and be made credits, and all such other matters as may be deemed essential relating to the affairs of the company.

Special meet- SEC. 15. A majority of the stockholders, whenever they ings deem it necessary, may call a special meeting of the company, and provided the regular elections from any cause shall not take place, it shall be lawful for any four of the stockholders to call a special election by giving notice of the time and place.

Special elec- SEC. 16. If the said corporation shall not organize and com- tions mence their said business within two years from the passage of this act, and expend five thousand dollars in the erection of mills or other machinery suitable to the prosecution of their business, according to the provisions of this act, then this act shall be null and void.

Forfeiture of charter

Certificate of Sec. of State This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

In force, AN ACT vacating a part of the town of Illinois city, and changing the Dec. 10, 1839. name of the residence [residue] to that of Uniontown.

Blocks vacated SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the north division of the town of Illinois city, in the county of Whitesides, consisting of blocks three, four, nine and ten, is hereby declared vacated: *Provided, however,* That the vacating of the afore-said blocks does not in any respect operate to the disadvantage of the residue of said town.

Proviso. SEC. 2. All that part of the county of Whitesides, on which the town of Illinois city is situated, which is recorded in the recorder's office of Joe Daviess county, (except that part of the said town which by the first section of this act is declared vacated,) shall hereafter be known by the name of Uniontown, any plat or name to the contrary notwithstanding.

Union Town SEC. 3. This act to be in force from and after the first day of June next.

Certificate of Sec. of State This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to amend the recorded plat of the town of Athens.

In force,  
Dec. 10, 1839.

WHEREAS, it appears from representation made by the citizens of the town of Athens, in the county of Sangamon, that a mistake occurred in the platting of said town: Therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the plat of the town of Athens, in the county of Sangamon, as now appears on record in said county, be, and the same is hereby, vacated; and that the plat made out by John B. Watson, deputy surveyor of said county, is hereby declared to be the true plat of said town, and the recorder of said county is hereby required to record the same in his office.

Preamble

Plat vacated  
Watson's plat

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, it has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State.*

AN ACT to amend an act entitled "An act to encourage the killing of Wolves," approved February 15, 1837.

In force,  
Dec. 10, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every person who shall kill any wolf or wolves in this State, shall receive the following bounty, to wit: for each wolf, known and denominated the *Big* wolf of six months old and upwards, the sum of two dollars; for each wolf of the same kind under six months old, the sum of one dollar; for each wolf known and denominated, the *Prairie* wolf, of any age, the sum of one dollar, to be paid out of the State Treasury, on the certificate of the clerk of the county commissioners' court, where such wolf or wolves were taken and killed. The person claiming such reward shall produce the scalp or scalps, with the ears thereon, within ninety days after the same was taken and killed, to the clerk of the county commissioners' court within the county where such wolf or wolves were taken and killed, who shall administer to the said person the following oath or affirmation, viz: You do solemnly swear or affirm (as the case may be) that the scalp or scalps by you produced were taken from a wolf or wolves, killed within this State within ninety days last past, and that you believe such wolf or wolves from which they were taken were over or under six months old, are of a large or small kind (as the case may be.)

Bounty for  
destroying  
wolvesTo be paid out  
of State trea-  
sury  
Person to pro-  
duce scalp

Oath

The first section of the act entitled "An act to encourage the killing of wolves," approved 15th February, 1837, is hereby repealed. This act to take effect from and after the first

First section  
of original act  
repealed



day of April next: *Provided*, That the affidavit herein provided for, may be made before any justice of the peace, and the premium may be paid out of any money in the hands of the Sheriff of the respective counties belonging to the State.

Certificate of Sec'y State This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State*.

In force, Dec. 10, 1839. AN ACT for the relief of the clerks of the circuit courts of Sangamon, Clinton, Fayette and Franklin counties.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That whenever the clerk

Clerk Sangamon co. may make out fee bill for services rendered in case of old State Bank of the circuit court of Sangamon county shall make out a fee bill in due form of law for services rendered by him or by his predecessor in office as clerk, in all cases in which the president and directors of the old State Bank of Illinois were a party, so far as said services were rendered for said bank, and for which it is or would be liable as such party, and shall transmit the same to the Auditor of Public Accounts, said

And to issue warrant Auditor shall issue his warrant upon the treasury in favor of said clerk for such amount as may be so shown to be due him.

Penalty for violation of by clerk SEC. 2. Said clerk in making out said fee bill shall be liable to the same penalties and forfeitures for any violation of the present law regulating fees as he would be in any other case.

Clerks of Franklin, Fayette and Clinton counties entitled to same benefits SEC. 3. The clerks of the circuit courts of Franklin, Fayette and Clinton counties, shall be entitled to the same benefits, subject to the same pre-requisites and liabilities under this act as the said clerk of Sangamon county.

Fee bill to be certified by judges SEC. 4. That before the Auditor shall issue his warrant for the payment of any sum of money by virtue of this act, he shall require that the fee bills of the said clerks shall be certified by the judges of the circuit courts of the said counties named in this act, and produce the certificate of said judge that the amount claimed by such fee bill is legally and equitably due said clerks, and has never been paid.

Certificate of Sec. State. This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand this 10th day of December, 1839.

A. P. FIELD, *Secretary of State*.

STATE OF ILLINOIS,

*Office of Secretary of State.*

I, Alexander P. Field, Secretary of State, of the State of Illinois, do hereby certify the foregoing to be true and perfect copies of the Enrolled Laws deposited in this office; the words printed in brackets, thus [ ] in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name, at Springfield, 14th March, 1840.

A. P. FIELD,  
*Secretary of State.*





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**REPORTS**  
OF THE  
AUDITOR AND TREASURER  
OF THE  
STATE OF ILLINOIS.

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**REPORT**  
**OF**  
**THE AUDITOR OF PUBLIC ACCOUNTS,**  
**OF THE**  
**STATE OF ILLINOIS,**

**TRANSMITTED TO**  
**BOTH HOUSES OF THE GENERAL ASSEMBLY**

**DECEMBER 14, 1839.**





## AUDITOR'S REPORT.

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To the Honorable,

The **SPEAKER** of the *House of Representatives*.

**SIR:** I have the honor to submit the following Report, shewing the receipts and expenditures at the Treasury, during the year ending on the 1st of December, 1839; the present condition of the School Fund, with the amount of interest thereon, to be apportioned to the several counties, on the 1st day of January next; the amount of revenue derivable from taxation for the present year, shewing the amount due from each County, so far as a revenue has been assessed; the condition of the Treasury at this time, and what will be its probable condition on the 1st of December, 1840; and, also, the present indebtedness of the State on account of Stocks sold.

I have the honor to be, Sir,

Your obedient servant,

**LEVI DAVIS,**

*Auditor Public Accounts.*

Dr.	JOHN D. WHITESIDE, State Treasurer, in account with the State of Illinois.	Cr.
For amount received from Non-Residents from the 1st day of December, 1838, to the 1st December, 1839,	\$764 83	\$85,065 53
For amount of redemption money received during same period,	337 27	20 38
For amount received from revenue clerks,	31,261 63	73 00
For amount received from sheriffs,	4,901 74	2 00
For amount received from the State Bank, for half per cent. on capital stock owned by individuals,	7,723 27	
For amount received from State Bank for dividend on \$100,000 of stock owned by the State	8,000 00	
For amount received for debts due the old State Bank,	385 54	
For amount received from estate of T. D. Hewitt, late Commissioner of Sales of Gallatin saline lands,	1,575 22	
For amount received from the commissioners of the school fund,	23,400 00	
For amount received from sales of seminary lands,	6,811 41	
	<u>\$85,160 91</u>	<u>\$85,160 91</u>



Dr. *The State Bank of Illinois in account with the State of Illinois.* Cr.

For amount deposited to the credit of the State, from 1st December 1838, to the 1st December, 1839, - - -	\$85,065 53	By balance due the Bank on the 1st December, 1838, - - -	\$19,009 25
For balance, - - -	142,550 61	By amount of warrants paid from 1st December, 1838, to 1st December, 1839, with interest on same, - - -	208,606 89
	<u>\$227,616 14</u>		<u>\$227,616 14</u>
		1839.	
		Dec. 1. By balance due the Bank this day,	\$142,550 61

## REDEMPTION ACCOUNT.

Balance of redemption money in the treasury, on the 1st December, 1838, - - -	\$2,029 35	Amount of redemption money, paid out from 1st December, 1838, to 1st December, 1839, - - -	\$548 31
Amount received from 1st December, 1838, to 1st December, 1839, - - -	337 27	Amount to balance, - - -	1,818 31
	<u>\$2,366 62</u>		<u>\$2,366 62</u>
Balance of redemption money in the treasury, on the 1st December, 1839, - - -	\$1,818 31		

*Amount of warrants drawn upon the State Bank, from the 1st day of December, 1838, to the 1st day of December, 1839, for the current expenses of the State, and charged to the following accounts, viz:*

To what charged.	Amount.
Spécial appropriations, - - - - -	\$12,593 61
Interest on school, college and seminary fund, - - - - -	43,241 39
Circuit attorneys, - - - - -	1,840 73
General Assembly, - - - - -	63,641 20
Money refunded, - - - - -	172 74
Judiciary, - - - - -	14,270 22
Secretary of State, - - - - -	2,145 00
The Militia, - - - - -	815 00
Incidental expenses, - - - - -	3,992 15
Attorney General, - - - - -	245 78
Penitentiary Inspectors, - - - - -	200 00
Auditor of Public Accounts, - - - - -	2,400 00
Treasurer, - - - - -	1,600 00
Appropriations to Counties, - - - - -	496 71
The Governor, - - - - -	1,501 71
Public Printing, - - - - -	23,345 14
Redemption money, - - - - -	548 31
Counties in the Military Tract, - - - - -	800 00
Taxes refunded, - - - - -	789 72
Appropriation for State House at Springfield, - - - - -	96,598 00
Distributions of Laws and Journals, - - - - -	2,460 50
Superintendant of the Penitentiary, - - - - -	291 66
Appropriations for killing Wolves, - - - - -	709 00
The contingent fund, - - - - -	2,090 52
County Assessors, - - - - -	2,030 23
Incidental expenses of Penitentiary, - - - - -	3,800 00
	<hr/>
	\$282,619 32

*A statement of the amount drawn from the Treasury on account of the Contingent Fund, from December 1st, 1838, to December 1st, 1839.*

Date.	To whom paid.	Amount.
1838.		
Dec. 4.	To warrants to James M. Morse, in full, of his contract for plastering and whitewashing the Legislative Halls, and for fitting curtains, &c.	\$496 00
	To warrants to James M. Morse, in full, for cleaning floors and windows in State House, sewing and laying down carpet, &c.	116 00
	To warrants to William L. Graves, in full of his account for shingling around stove pipes, on roof of the State House,	5 00
	To warrants to Benjamin O. Sidmore, in full, for glazing lights in Legislative Halls,	1 00
	To warrants to J. W. Curlee, in full of his account for repairs done on State House,	19 50
1839.		
Jan. 9.	To warrants to E. Capps, in full, for filling excavation in Public Square, - - -	5 00
24	To warrants to James Campbell, in full, for postage on tax list, from Macomb to Quincy,	4 00
	To warrants to John S. Roberts, in part, for his compensation for cleaning Privy, at State House, lighting lamps, &c. - - -	10 00
March 18	To warrants to Abner Johnson, in full, for his services in going to and returning from Jefferson city, to demand J. Obleness and M. Butcher, fugitives from justice, - - -	115 75
May 24	To warrants to Isaac Carel, in full, for making box for conveying State bonds, - - -	5 00
27	To warrants to Thomas Carlin, in full, for expenses paid in transmitting State bonds from St. Louis to Vandalia and back, - - -	5 00
	To warrants to N. M. McCurdy, in full, for bearing State bonds from the city of Philadelphia to Vandalia, - - -	10 00
June 13	To warrants to James M. Lucas, in full, for publishing Governor's Proclamation, for the apprehension of Nathan Graves and George Kendall, fugitives from justice, - - -	5 25
25	To warrants to J. W. Berry, in part, for painting two full length portraits of Generals Washington and La Fayette, to be placed in the Legislative Halls of the State House, -	500 00



*Contingent Fund—Continued.*

Date.	To whom paid.	Amount.
1839. July 5	To warrants to B. W. Thompson, L. Ginger, B. F. Lee, R. Porter, H. Snyder, Wm. Redmond, D. Snyder, Peter Smith, E. Davis and J. Lutt, in full, for their services in removing Public Offices from Vandalia to Springfield,	533 33
8	To warrants to B. W. Thompson, in full, for removing Office of Clerk of Supreme Court from Vandalia to Springfield,	24 00
August 7	To warrants to Wm. Walters, in full, for hauling two loads of State paper from Vandalia to Springfield,	100 00
Sept. 12	To warrants to John Poussardin, in full, for four pine boxes furnished for packing books and papers of Secretary's office,	4 00
	To warrants to John S. Roberts, in full, for his services in removing Secretary's office,	12 00
	To warrants to Philips & McDuff, in full, for boxes, &c. furnished for removing Secretary's office,	3 75
	To warrants to James Black, in full, for boxes furnished for removing Secretary's office,	25 75
	To warrants to Henry Eccles, in full, for boxes furnished for removing Secretary's office,	19 19
	To warrants to James M. Morse, C. H. Hodge, H. C. Ernst, James Reed and H. Goodman, in full, for services in removing Secretary's office,	23 00
27	To warrants to B. H. Reed, in full, for his services as a messenger, to the Governor at Quincy,	48 00
		\$2,090 52

## AUDITOR'S REPORT.

[ix]

*A statement of the present condition of the School, College and Seminary Fund.*

Amount of School fund on the 1st of January, 1839, - - - - -	\$279,085 06	
Amount received into the Treasury, on the 30th March, 1839, - - - - -	19,500 00	
Amount of the surplus revenue, which was constituted a part of the school fund by an act of the Legislature, approved 25th February, 1837, - - - - -	335,592 32	
	<hr/>	\$634,177 38
Amount of college fund on the 1st January, 1839, - - - - -	55,800 98	
Amount received into the Treasury, on the 30th March, 1839, - - - - -	3,900 00	
	<hr/>	59,700 98
Amount of seminary fund on the 1st January, 1839, - - - - -	49,306 25	
Amount received into the Treasury on 30th September, 1839, - - - - -	4,208 63	
Amount received into the Treasury on the 31st October, 1839, - - - - -	2,102 78	
Amount received into the Treasury on the 30th November, 1839, - - - - -	500 00	
	<hr/>	56,117 65
Total amount of school, college and seminary fund, - - - - -		<hr/> <hr/> \$749,996 01

*A statement of the amount to be apportioned to the several Counties, on the 1st day of January, 1840, from the interest on the School, College and Seminary Funds, for the year 1839.*

Counties.	Amount.	Counties.	Amount.
Adams, - -	\$1,169 20	Madison, - -	\$1,364 35
Alexander, - -	339 24	Morgan and Cass, -	3,149 03
Bond, - - -	620 23	Monroe, - - -	436 21
Clark, - - -	563 60	Montgomery, - -	630 81
Cook, - - -	1,326 89	Marion, - - -	474 20
Crawford, - -	585 30	Macon, - - -	508 61
Clinton, - - -	432 96	McLean, - - -	896 90
Coles, - - -	884 16	McDonough, - -	482 30
Clay, - - -	239 00	Mercer, - - -	81 20
Champaign, - -	173 96	Macoupon, - - -	919 04
Calhoun, - - -	172 07	Pope, - - -	616 72
Edgar, - - -	1,154 30	Pike, - - -	1,012 86
Edwards, - - -	330 28	Peonia, - - -	476 09
Effingham, - -	183 71	Perry, - - -	372 55
Franklin, - - -	936 69	Putnam and Bureau	641 61
Fulton, - - -	988 46	Randolph, - - -	895 77
Fayette, - - -	623 20	Rock Island, - -	88 52
Gallatin, - - -	1,259 90	Sangamon, - - -	2,929 72
Greene, - - -	2,070 26	Saint Clair, - -	1,422 31
Hancock, - - -	532 18	Shelby, - - -	831 53
Hamilton, - - -	475 28	Schuyler, - - -	1,032 94
Iroquois, - - -	188 30	Tazewell, - - -	918 01
Johnson, - - -	367 42	Union, - - -	720 48
Jefferson, - - -	596 64	Vermilion, - - -	1,358 31
Jackson, - - -	474 20	Wabash, - - -	508 86
Jo Daviess, - -	498 82	Warren, - - -	445 97
Jasper, - - -	71 64	White, - - -	1,028 52
Knox, - - -	397 76	Washington, - -	518 08
Lawrence, - - -	718 32	Wayne, - - -	515 35
La Salle, - - -	675 78		
			<u>\$44,326 60</u>



## AUDITOR'S REPORT.

[xi]

*A statement of the amount of State Revenue derivable from each county in the State, for the year 1839, so far as returns have been made to the Auditor's office.*

Adams, - -	\$6,750 43	Madison, - -	6,751 58
Alexander, - -	681 32	Monroe, - -	1,221 08
Boone, - -	68 97	Morgan, - -	5,815 42
Bureau, - -	890 71	McDonough, - -	2,470 36
Brown, - -	1,297 24	Montgomery, - -	872 33
Carroll, - -	112 22	Macoupin, - -	1,522 65
Clinton, - -	1,227 10	Macon, - -	1,193 79
Calhoun, - -	816 65	Menard, - -	1,306 95
Cass, - -	1,050 00	Marshall, - -	700 00
Clay, - -	302 15	McLean, - -	2,031 42
Crawford, - -	1,230 46	Mercer, - -	915 68
Coles, - -	2,061 21	Marion, - -	448 00
Clark, - -	1,460 86	Ogle, - -	672 34
Cook, - -	3,631 19	Putnam, - -	398 45
De Witt, - -	229 49	Pike, - -	3,633 52
Dane, - -	289 46	Perry, - -	553 22
Edgar, - -	2,890 67	Peoria, - -	2,853 49
Edwards, - -	755 72	Sangamon, - -	7,297 78
Effingham, - -	115 52	Stark, - -	697 82
Franklin, - -	652 31	Scott, - -	1,721 75
Fulton, - -	3,488 07	Schuyler, - -	2,300 91
Fayette, - -	937 30	Sa'nt Clair, - -	5,210 10
Gallatin, - -	1,579 63	Shelby, - -	1,151 60
Hamilton, - -	313 24	Tazewell, - -	2,034 00
Hancock, - -	2,802 88	Union, - -	886 31
Iroquois, - -	249 04	Vermilion, - -	3,200 90
Jackson, - -	830 94	Whiteside, - -	235 72
Jefferson, - -	667 54	Will, - -	1,118 66
Jo Daviess, - -	567 08	Wayne, - -	580 00
Knox, - -	2,439 92	Washington, - -	766 48
Kane, - -	509 82	White, - -	1,110 24
Lawrence, - -	1,494 74	Warren, - -	3,379 74
La Salle, - -	1,670 49	Wabash, - -	1,379 45
Livingston, - -	77 78		
Logan, - -	368 39		
			<b>\$10,942 28</b>

The Revenue law requires the clerks to report to the Auditor the aggregate amount of State tax assessed in their respective counties; and, I have, therefore, no means of showing the separate valuation on Real and personal property in the State. It will be perceived from the above statement, that a number of counties have failed to comply with the provisions of the law. A list of those counties, from which no returns have been received, at this office, is herewith submitted, marked, A. I have been advised, that in many counties, owing to a misapprehension of the provisions of the 1st section of the law, a tax was assessed only on such property as is enumerated in said section. If the law, therefore, had been carried into general and perfect operation throughout the State, the amount of Revenue could not have been less than \$120,000.

Although there was considerable hostility felt against this law for some time immediately after its passage, yet, now, since its provisions have been understood, and the necessity which existed for its passage, clearly demonstrated, it meets with the general approbation of the people; and, it is believed, that hereafter it will meet with no further opposition, even in those counties which have been most decidedly against it.

The following is a statement of the present condition of the State Treasury, in regard to her ordinary resources and expenditures:

Amount due the Bank on the 1st day of December, 1839, - - - -	\$142,550 61
Amount of outstanding warrants on the 1st day of December, 1839, - - -	83,109 11
	<hr/>
	\$225,659 72

To meet this sum, the State has the following resources, viz:

Amount of revenue, derived from taxation, for 1839, - - - -	\$110,942,28
Amount due from Shawneetown Bank, -	6,981 01
" due from citizens of Springfield, -	16,666,66
" due from Revenue collectors under the old Revenue system, - - -	11,833 74
	<hr/>
	146,423 69
Deficit on 1st December, 1839, - - -	<hr/>
	\$79,236 03

Of the above amount of outstanding warrants, the sum of \$80,097 00 was issued on account of the State House appropriation, excluding which, the balance against the Treasury, at this time, would amount to the sum of only \$3,012 11. In my last report to your Honorable body, I estimated the ordinary expenditures of the State, for the year 1840, at \$91,170 00. Since which time, by the leasing of the Penitentiary, the State has been relieved of an expense, estimated at \$2,400 00. The interest accruing upon the school fund, on the 1st day of January next, will be less than the amount estimated by about \$700. To counterbalance this reduction in the estimated expenditures of 1840, there will, however, be about an equal



amount of interest accruing upon the State House Stock, which will leave the expenditures of 1840 at about the sum estimated; to which is to be added the following expenses (not then anticipated) viz: Expenses of the present session of the General Assembly, including printing paper for laws, &c. say \$50,000 00; interest on warrants, say \$5,000 00, and balance of State House appropriations, not yet drawn, \$31,718 00; making the total expenditures for 1840, amount to \$177,888 00.

The following statement exhibits, it is believed, what will be the condition of the Treasury on the 1st day of December, 1840:

Amount to be derived from taxation, for the year 1840, under the present revenue law,	say, - - - - -	\$140,000 00
Amount from Bank of Illinois and State Bank	say, - - - - -	22,000 00
Amount from State House loan,	- - - - -	128,000 00
Balance against the Treasury on the 1st December, 1839,	- - - - -	\$290,000 00
Expenditures of 1840, as above stated,	- - - - -	\$79,236 03
		<u>177,888 00</u>
		257,124 03
Leaving a balance in favor of the Treasury on the 1st December, 1840, of	- - - - -	<u>\$32,875 97</u>

The first instalment of the State House loan became due on the 1st of November last, the draft for which, amounting to the sum of \$16,000, less \$200 expenses, has been returned protested. In the above estimates, however, I have assumed that this loan will be paid, which assumption is founded upon the fact, that the contract for the loan, is guaranteed by individuals in the city of New York, of respectable standing, a copy of which contract, marked B, is herewith submitted. Should this loan be realized, I think there cannot exist a doubt, that our present Revenue law will amply fulfil all the purposes for which it was framed; and that by the year 1841, it will have furnished a revenue sufficient to defray the balance which now exists against the Treasury, together with the expenditures of the ensuing year, including the interest on the State House stock and the School fund, and leave a balance in favor of the Treasury. It is confidently believed that the expenditures of 1840, will not exceed the amount above estimated; and, it is as confidently believed, that the revenue may safely be assumed to amount to the sum I have stated, as the law will doubtless be generally and more perfectly executed, and as there will be a considerable increase in the taxable property of the State. In the years 1841 and '42, there will be a vast accession to the taxable lands in the State, and the revenue from that source will be greatly augmented. It may safely be assumed, that the revenue under the existing law, will annually increase in a greater proportion than the expenditures; and, that, should there be no demand upon the revenue from our Internal Improvement system, the state of the Treasury, in a few years, will justify a reduction in the rate of taxation.



I would respectfully suggest that a law be passed, authorizing and requiring the assessors who may be appointed the ensuing year, in those counties which have failed to comply with the law, to assess tax for the present year; also, that the present law be amended, so as to specify more distinctly, the fees which certain officers are to receive for their services, especially the fees of the sheriff and clerks for entering judgment and selling delinquent lands. From the short experience which I have had, in acting under the law, I am not at present aware that any further amendments are necessary, except in the 1st section, a misapprehension in regard to which I have before alluded to.

I herewith submit copies of the Reports which have been made to this office by the Fund Commissioners, since the last session of the General Assembly, together with copies of the contracts made by them for the sale of Internal Improvement bonds. No report has yet been made to this office relative to the sales made of Internal Improvement bonds in Europe by the Fund Commissioners.

The following statement exhibits the indebtedness of the State, on account of stocks sold, viz:

Amount of Illinois and Michigan canal stock sold,	-	\$2,400,000 00
" of Bank and Internal Improvement stock sold,	-	2,665,000 00
" of Internal Improvement stock sold, including \$1,500,000 said to be sold in Europe, but not yet officially reported to this office,	- - -	4,687,000 00
Amount of State House stock sold,	- - -	128,000 00

Total amount of stocks sold,		<u>\$9,880,000 00</u>
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Amount of interest accruing annually on the above stock,	- - - - -	\$592,800 00
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From this sum deduct amount of dividends on Bank and Internal Improvement stock, say,	- - - - -	\$240,000 00
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Amount of revenue to meet interest on State House stock,	- - - - -	7,680 00
		<u>247,680 00</u>

Leaving amount of interest to be paid out of Canal and Internal Improvement funds,	-	<u>\$345,120 00</u>
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Of the above amount of \$345,120 00, the sum of \$144 00 is to be paid out of the Canal fund, and the sum of \$201,120 00 out of the Internal Improvement fund. How far those funds are available, to pay this interest, I have no means of knowing.

LEVI DAVIS,  
*Auditor Public Accounts.*

AUDITOR'S OFFICE,  
*Springfield, December 14, 1839.*

## DOCUMENTS

ACCOMPANYING THE

## AUDITOR'S REPORT.

## A.

A list of those Counties from which no returns have been received agreeable to the provisions of the 13th section of "An act concerning the Public Revenue."

Bond,  
Champaign,  
De Kalb,  
Du Page,  
Henry,

Johnson,  
McHenry,  
Pope  
Randolph,  
Stephenson,

Winnebago,  
Jasper,  
Greene.

## B.

*Copy of Agreement.*

This agreement, made this fourteenth day of May, eighteen hundred and thirty-nine, by and between the State of Illinois, by her agents, Moses M. Rawlings and John Reynolds, of the first part, and the Poukepsie Locomotive Engine Company of the State of New York, of the second part, WITNESSETH: The said Rawlings and Reynolds, for and on the part of the said State of Illinois, agree to deliver to the said parties, of the second part, in the city of New York, at the Atlantic Bank, in the city of New York, in the said city, on or before the first of August next, bonds regularly executed according to law, pledging the faith and credit of the said State of Illinois, for the payment of the principal and interest, at the rate of six per cent. per annum, to the amount of one hundred and twenty-eight thousand dollars. Said bonds are to be one thousand dollars each, and re-imbursable, principal and interest, at the said place, in the city of New York, where they are delivered, and at the pleasure of the said State of Illinois, on or after the thirty-first of December, eighteen hundred and sixty. In consideration of the said delivery of bonds, the said parties of the second part agree, and bind themselves and heirs, to the said Rawlings



and Reynolds, to accept and pay the order of the proper officer, or officers of the State of Illinois, in the said city of New York, at the Atlantic Bank in the city of New York, in said city, the sum of one hundred and twenty-eight thousand dollars, in eight equal instalments, the first commencing three months after the delivery of said bonds, and then in regular succession every three months after each payment; said instalments are to be paid so that the last will be two years, from and after the first payment, amounting in all to the said sum of one hundred and twenty-eight thousand dollars.

It is further agreed, by and between the said parties, that the said parties of the second part, agree to pay to the said State of Illinois, the interest at the rate of six per cent. per annum, for the time that a credit is allowed to them by the said State, on the amount of money which they may owe to said State; said interest to commence from and after the delivery of the said bonds, and in consideration of interest, on the said bonds, and an interest account is to be opened by and between said parties to this contract.

In testimony whereof, we, the said Moses M. Rawlings and John Reynolds, agents as aforesaid, and Henry F. Tallmadge, agent as aforesaid, have signed, sealed and delivered this contract, dated above.

M. M. RAWLINGS, *Agent,*

JOHN REYNOLDS, *Agent,*

H. F. TALLMADGE, *Agent,*

*Poukeepsie Locomotive Engine Company.*

We hereby guarantee the faithful performance of the within contract on the part of the Poukeepsie Locomotive Engine Company.

N. P. TALLMADGE,

H. F. TALLMDAGE,

THOS. F. HARVEY,

WALTER CUNNINGHAM,

HENRY IBBOTSON.



REPORT  
OF THE  
TREASURER OF THE STATE OF ILLINOIS  
TO THE  
GENERAL ASSEMBLY,  
DECEMBER 1839.

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TREASURER'S OFFICE, ILLINOIS,  
*Springfield, December, 30th, 1839.*

To the Hon. the SPEAKER of the *House of Representatives*:

SIR: I have the honor to submit the following statement, exhibiting the receipts at the Treasury, monthly, from the various sources of Revenue, for the time therein set forth: also, the amount deposited in the State Bank and Branches, old State paper burned, &c.

I am your obedient servant,

JOHN D. WHITESIDE,  
*Treasurer of Illinois.*

*The Treasurer in account with the State of Illinois, from the 1st day of December, 1838, to the 30th day of November, 1839, inclusive.*

Dr. TO RECEIPTS INTO THE TREASURY FROM THE VARIOUS SOURCES OF REVENUE.

Date.	Non-res'nt Tax.	Redemp'tn Money.	Clerks.	Sheriffs.	Saline Lands.	Seminary Lands.	School Fund Com'rs.	Old State Bank.	New State Bank.	Total Am't. Per Month.
1838.										
December, -	\$257 16	\$78 52		\$1,028 82					\$4,000 00	\$5,364 50
1839.										
January, -	11 10	5 56	\$661 69	781 95	\$1,575 22			\$385 54	7,723 27	11,144 33
February, -	15 60		63 09	91 79						170 48
March, -	161 93	77 11	22,335 14	1,249 71			\$23,400 00			47,223 89
April, -	56 12	32 02	6,933 52	31 32						7,052 98
May, -	100 17	40 00	790 24	572 99						1,503 40
June, -	37 25	55 74		768 95						861 94
July, -			407 95	262 32					4,000 00	4,262 32
August, -	2 18			61 01						471 14
September, -						\$4,208 63				4,208 63
October, -	7 72		70 00	2 23		2,102 78				2,182 73
November, -	115 60	48 32		50 65		500 00				714 57
	764 83	337 27	31,261 63	4,901 74	1,575 22	6,811 41	23,400 00	385 54	15,723 27	85,160 91

Total Amount,

\$85,160 91

## TREASURER'S REPORT

XIX

BY AMOUNT DEPOSITED IN STATE BANK AND BRANCHES—OLD STATE PAPER BURNED, &c.

1838.		Certificates of Deposit, amounting to	-	-	-	\$4,908 23
December,	-					
1839.		Certificates of Deposit, amounting to	-	-	-	11,185 78
January,	-	Certificates of Deposit, amounting to	-	-	-	142 50
February,	-	Certificates of Deposit, amounting to	-	-	-	47,288 88
March,	-	Certificates of Deposit, amounting to	-	-	-	7,346 36
April,	-	Certificates of Deposit, amounting to	-	-	-	1,443 21
May,	-	Certificates of Deposit, amounting to	-	-	-	137 91
June,	-	Certificates of Deposit, amounting to	-	-	-	5,023 16
July,	-	Certificates of Deposit, amounting to	-	-	-	469 00
August,	-	Certificates of Deposit, amounting to	-	-	-	3,378 07
September,	-	Certificates of Deposit, amounting to	-	-	-	2,983 23
October,	-	Certificates of Deposit, amounting to	-	-	-	759 20
November,	-	Certificates of Deposit, amounting to	-	-	-	\$46 00
		Old State Bank paper burned in March,	-	-	-	27 00
		Old State Bank paper burned in November	-	-	-	
		Interest allowed on old State Bank paper,	-	-	-	73 00
		Auditor's warrant, No. 7705, redeemed,	-	-	-	20 38
			-	-	-	2 00
						\$85,160 91

JOHN D. WHITESIDE,  
*Treasurer of Illinois.*





## INDEX TO LAWS.

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### A.

	PAGE.
Abolishment of Board of Public Works, and Board of Fund Commissioners	98
Academy, Bainbridge	99
Agricultural Society, Union,	33
American Bottom, act to incorporate northern division of, repealed	67
Appeals, laws in relation to amended	108
Appropriations, partial	81
for 1839-40	81
Assessment of tazes legalized, Champaign co.	111
De Kalb	45
Dupage	47
Iroquois and Clay	70
McHenry and Stark	77
Athens, see Towns	
Attachments, act concerning	30
act to amend	31
Auditor of Public Accounts, to credit Robert Davis,	28
duty with School Fund Sanga-	
mon county	91
Governor and Treasurer to settle	
accounts of agents for canal loans	80
and Treasurer's report, see appendix	

### B.

Bainbridge academy, act supplemental to	99
Bank, State of Illinois	15
Barry, see Towns	
Beet sugar, silk &c. company,	48
Benefit, Stark county	65
Martin, V. A.	135
Wildy Lodge	134
Binding laws, journals &c.	34
Bloomington, see Towns	

	PAGE.
Board of Fund Commissioners, act to abolish	98
Board of Public Works	93
act to abolish	98
Bonds, State, when may be sold	93
may be received by Fund Commissioner	96
Boone county, time of holding courts in	88
Bridges, Clark J. A. across Pickatonica river	26
Lawrence co., across Embarrass river	38
Rose, S. and A. C. Swan at Galena	56
Sangamon Coal Bank Company	102
Witters Samuel	78
Bristol, see Towns	

## C.

Cahokia, act to amend act concerning	99
Calhoun Coal and Mining Company	49
Canal, Illinois & Michigan, dedication of lots on	30
laws relating to, amended	79
Canal company Mississippi and Illinois	48
Carmi, see Towns	
Carroll co., time of holding courts in	88
Cass co., time of holding courts in	86
Records of	86
Charity Hospital, La Salle	75
Charleston Seminary and Jonesboro college	131
Chester, see Towns	
Christian county, see Counties	
Cities, Springfield	6
Quincy	113
Clark, J. A. Bridge across Pickatonica river	26
Clay county Revenue, see revenue	
and Iroquois, assessments in	70
Clinton steam mill company	41
Coal Bank Bridge company, Sangamon	102
Coles co., additional Notary Public in	66
Colleges, Jonesboro	131
Knox manual labor, act amended	23
Shiloh	37
Commissioners, Board of Public Works, office created	93
Champaign county, acts legalized	111
Fund, office created	93
Sangamon county to pay over School Fund	91
act to amend	97
Schools, to distribute funds at county seat	87
Common Schools, acts relating to amended	90 96
Constables, sheriffs, coroners, &c., act concerning	78
Contractors on Public Works, relief of	98
settlement with	93
Coroners, sheriffs, constables, &c., act concerning	78



	PAGE.
Cottage Grove, see towns	
Counties, Bond time of holding courts in	130
Boone	88
Carroll	88
Cass	86
Records of	86
Champaign, acts of Commissioners legalized	111
Christian	80
Clay, revenue of. See revenue	
and Iroquois, assessments of, legalized	70
Clinton, time of holding courts in	130
Coles, additional Notary Public in	66
Dane, name of changed	80
school fund of	91 97
De Kalb, assessment of legalised	45
county seat	68
Dupage, assessment legalized	47
Fayette, parts of roads in, relocated	66
Franklin, records of	86
Greene, roads in	40 85
Hardin, act to establish, amended	38
Henry, acts of officers legalized	60
location of county seat	61
part of attached to Stark county	63
Hancock, additional justice peace in	41
Iroquois and Clay, assessment of legalised	70
Jersey, act to create amended	104
additional Notary Public in	66
time of holding courts in	86
Jo Daviess, authorised to borrow money	22
time of holding courts in	88
Lake, relief of	47
La Salle, court house in	65
Lawrence, to build bridge across Embarrass river	38
Lee, attached to sixth Judicial circuit	44
time of holding courts in	88
Logan, part of Tazewell attached to	29
school fund of	91, 97
Menard, school fund of	91, 97
Morgan, records of	86
Pike, additional Notary Public in	66
road in vacated	52
Rock Island, time of holding courts in	88
Sangamon, school fund of	91, 97
Scott, time of holding courts in	86
Stark, benefit of	65
county seat of	62
limits of, extended	62
Stephenson, time of holding courts in	88
Tazewell, part of attached to Logan	29

	PAGE.
Counties, Union, authorised to borrow money	75
Whiteside, time of holding courts in	88
White may remove mill dam	130
Winnebago, time of holding courts in	88
Williamson, act to establish amended	88
act in relation to	87
records of	86
Court house, La Salle county	65
Courts circuit, time of holding in Boone county	88
Carroll	88
Champaign	90
Clinton and Bond	130
Coles and Champaign	90
De Kalb	92
Edgar	90
Eighth circuit	5
Hardin county	40
Jersey, Cass and Scott	86
Jo Daviess county	88
Kane county	93
Lee	88
Peoria, additional term of	92
Rock Island	88
Sixth circuit	88
Stephenson county	88
Vermillion	90
Whiteside	88
Winnebago	88
Court Supreme, publication of decisions of	77
summer term of	87
Creek, Lusk, declared navigable	67

## D.

Dane county, name of changed	80
school fund of	91, 97
Davis, Robert J., credit to	28
Debts and liabilities incurred by internal Improvements, how settled	93
Decisions Supreme Court, publication of	77
De Dalb county seat	68
time of holding courts in	92

## E.

Ewing, John L. com'r on road from Mt. Sterling to Mt. Carmel	64
Execution, additional articles exempt from	89

## F.

	PAGE.
Fairmont. See towns	
Fayette county, parts of roads in relocated	66
Fayette Steam Mill Company	19
Ferries, Gear, H. H. across Mississippi river	23
Hall, Shelton L. and others	110
Illinois river	49
Madison county company	127
Matthews and Aldrich	47
May, William L.	49
Fox river declared navigable	98
Franklin county, records of	86
Fund Commissioners, accounts of, how settled	96
act to abolish board of	98
Fund Commissioner, office of created	93
Funds, school commissioners of to distribute at county seat	87

## G.

Gear H. H., authorized to keep a ferry	23
Georgetown. See towns	
Governor, Auditor and Treasurer to settle accounts of agents employed to negotiate canal loans	80
to fill vacancies in Board of Public Works or of Fund Commissioner	94
Greene county commissioners, to construct roads in	40
Greenfield. See towns.	

## H.

Hall, S. L., and others to keep a ferry across Rock River	110
Hamilton Primary School	53
Hardin county, act to establish, amended	38
Hennepin. See Towns.	
Hospital La Salle Charity	75
Howell William, relief of	100
Hubbard A. P., mill-dam across Fox River	67

## I.

Illinois and Michigan Canal, laws relating to, amended	79
Illinois City. See towns.	
Incorporations.	
Beet Sugar, Silk &c. Manufacturing Company, act to amend	48
Calhoun Coal and Mining Company, act amended	49
Carmi, town of	70



Incorporations—	PAGE.
Clinton Steam Mill Company	41
Fayette “ “ “	19
Georgetown in Randolph county	32
Hamilton Primary School	53
Insurance and Trust Company of Illinois	29
Jacksonville, town of	106
Kankakee Manufacturing Company	135
Kaskaskia Beet Sugar Manufacturing Company	57
“ Insurance Co., name of, changed	29
Knox Manual Labor Collège	23
Lacon, town of	122
La Salle Charity Hospital, act amended	75
Madison County Ferry Company	127
Middlesex Steam Mill “	31
Montibello Manufacturing Company	151
Northern division American Bottom, act repealed	67
Peoria Commercial Insurance Company, act amended	112
Quincy, city of	113
Quincy House Company, act supplemental to	132
Randolph Silk Manufacturing Company	57
Rock Island Mutual Fire Insurance Company	23
“ “ University	17
Sangamon Coal Bank Bridge Company	102
Shiloh College	37
Springfield, city of	6
“ Mechanics’ Union	74
St. Clair Steam Mill Company	100
Towns therein named	36
Union Agricultural Society	33
Vandalia and Mississippi Turnpike Company	138
Indiantown. See towns.	
Insurance Companies and Trust of Illinois	29
Kaskaskia, name of, changed	29
Morgan, Pike and Scott	24, 52
Peoria Commercial, act amended	112
Rock Island Mutual Fire	23
Iroquois and Clay counties, assessments in	70

## J.

Jacksonville. See towns.

Jersey county, additional Notary Public in	66
“ “ act to create, amended	104
“ “ time of holding courts in	86
Jo Daviess county authorized to borrow money	22
“ time of holding courts in	88
Jonesboro’ College	131
Journals, Laws &c., binding of	34
“ “ publication and distribution of	65
Justices Peace, Sheriffs, Coroners &c., act concerning	78

	PAGE.
Justices Peace, La Harpe District, Hancock county	41
Justices Peace and Constables, act to amend act concerning	64

## K.

Kane county, time of holding courts in	93
Kankakee Manufacturing Company	135
Kaskaskia Insurance Company, name of changed	29
Knox Manual Labor College, act amended	23

## L.

Lacon. See towns	
Lake county, relief of	47
La Salle county, court-house in	65
La Salle Charity Hospital	75
Lawrence county, to build bridge across Embarrass River	28
Laws and Journals, binding of	34
“ “ publication and distribution of	65
Laymoile. See towns.	
Lee county attached to sixth judicial circuit	44
time of holding courts in	88
Liabilities and debts incurred by internal improvements, how settled	93
Liens, Mechanics and others, for materials and labor	147
Lodge Wildy, benefit of	134
Logan county, school fund of	91,97
Lusk creek declared navigable	67

## M.

Madison county Ferry Company	127
Manual Labor College, Knox	23
Manufacturing companies—	
Beet Sugar, Silk and Vegetable &c.	48
Kankakee	135
Kaskaskia Beet Sugar	57
Montibello	151
Randolph Silk	57
Martin V. A., benefit of	135
Mathews and Aldrich to keep ferry	47
May, Wm. L., to keep ferry across Illinois River	49
McHenry and Stark counties, assessments of, legalized	77
McHatton, John G., relief of	99
Menard, Ferson, Hunt &c., to build dam across Fox River	76
Menard county school fund	91,97
Mechanics and others, lien for value of labor and materials	147
Mechanics' Union, Springfield	74
Middleton. See towns.	

	PAGE.
Middlesex Steam Mill Company	31
Mill-dams, Hubbard A. P.	67
Menard, Ferson, Hunt &c.	76
Pope, B. W., and Wm. Gasoway	45
Mining Company, Calhoun Coal and	49
Mississippi and Illinois Canal Company	48
Vandalia Turnpike Company	138
Money, Jo Daviess county authorized to borrow	22
Union                   "                   "                   "	75
Montibello Manufacturing company	151
Morgan county, records of	86

## N.

Northern division American Bottom, act incorporating repealed	67
Notaries Public, additional	66
Charleston, Coles county	66
Grafton, Jersey                   "	66
Pittsfield, Pike                   "	66

## P.

Partial appropriations	81
Peoria Commercial Insurance Company, act amended	112
Peoria county, additional term circuit court in	92
Philipstown. See towns.	
Pike county, additional notary public	66
Pope, B. W., and Wm. Gasoway to build mill-dam	45
Primary School, Hamilton	53
Probate justices, Sheriffs, Coroners &c., act concerning	78
Property exempt from execution	89
Publications of decisions of Supreme Court	77

## Q.

Quincy, City of, Incorporated	113
boundaries and general powers	113
Chief Executive officers	115
city council	113
elections	115
legislative powers of the city council	116
Mayor	118
miscellaneous provisions	120
proceedings in Special cases	120
Quincy House Company, act supplemental to	132

## R.

Rail Road, Pittsfield and Mississippi Company,	26, 52
Recorders and School Commissioners entitled to Laws	65



	PAGE.
Records, Franklin, Williamson, Morgan, and Cass counties	86
Relief, Clerks Circuit Courts, Sangamon, Clinton, &c.	156
contractors on public works	98
Howell, William	100
Lake county	47
McHatton, John G.	99
Reports, Auditor and Treasurer, see appendix.	
Supreme court, publication of	77
Revenue, Clay county	111
Iroquois and Clay counties	70
public, act to amend	3
Rivers, Fox declared navigable	98
Little Wabash	130
Pickatonica, bridge across	26
Roads, County Commissioners to alter, change, &c.	51
Danville to Decatur, part of re-located	85
Fayette county	66, 133
Greene county	40, 86
Greenville to Shelbyville	133
Griggsville to Quincy	29
to Kinderhook	129
Knoxville, via Charleston to Peoria	59
Little Muddy river, via Benton Muddy river bridge,	
Golconda to Galatia	105
Mt. Sterling to Mt. Carmel	64
Naperville to Indiancreek	76
Nashville to Galatia	106
to Middleton's old ferry	110
Peoria to Burlington	46
to Springfield	51
Petersburg to Waverly	64
Pike county	129
State, time for location of, extended	68
Therein mentioned	22
named	105
Warsaw to Peoria	100
to Quincy	100
Washington to Pekin	112
County	110
Rock Island county, time of holding courts in	88
Mutual Fire Insurance Company	23
University	17
Rose and Swann, bridge at Galena	56

## S.

Sangamon Coal Bank Bridge Company	102
county, school fund of	91, 97
Schools, common	90, 96
commissioners entitled to laws	65

	PAGE.
Schools, commissioners to distribute funds at county seat	87
may be appointed by courts of new	
counties	91
of Sangamon to pay over funds	91, 97
of Schuyler, duty of	92
of Brown, duty of	92
School, fund, to be distributed at county seat	87
Hamilton Primary	53
lands, re-valuation in certain cases	85
Trustees of, 8 N. 5 E. to refund certain monies	131
of Putnam county	92
Scott county, time of holding courts in	86
Secretary of State, duty of, to Franklin and Williamson counties	87
duty under revenue law	5
Seminary, Charleston	131
Settlement of debts and liabilities by internal improvements	93
Shepherdstown. See Towns.	
Sheriff's, Coroner's, Constable's, Probate Justices, &c.	78
Shiloh college	37
Stephenson county, time of holding courts in	88
Smith Edward, deceased, accounts of, to be settled by board of	
Public Works	112
Springfield, City of, Incorporated	6
boundaries and general powers	6
city council	7
elections	8
executive officers	8
legislative powers	9
Marshal	14
Mayor	11
miscellaneous provisions	13
proceedings in special cases	12
Springfield Mechanics Union	74
Stark county, benefit of	65
and McHenry, assessment in legalized	77
State Bank of Illinois	15
State roads time extended to locate	68
Steam Mills, Clinton company	41
Fayette company	19
Middlesex company	31
St. Clair company	100
Summer term of Supreme Court	87
Supreme Court, decisions of to be published	77
Summer term of	87

## T.

Taxes, assessment of, De Kalb county	45
Dupage county	47
McHenry and Stark counties	77

	PAGE.
Tazewell county, part of attached to Logan	29
Tiskilwa, see towns.	
Towns, Athens, plat of amended	155
Barry	44
Bloomington, act supplemental	33
Bristol, plat of vacated	108
Cahokia, act to amend	99
Carmi, incorporated	70
Charleston, additional Notary Public in	66
Chester, powers of increased	46
Columbus, name of changed	37
Cottage Grove, plat of vacated	45
Fairmont, plat of vacated	108
Georgetown	32
Grafton, additional Notary Public in	66
Greenfield, name of changed	107
Hennepin, corporate limits of	108
Indian town, name of changed	108
Illinois city	154
Jacksonville, incorporated	106
Lacon, incorporated	122
Laymoile	107
Mackinaw	36
McLeansboro	36
Middleton	47
on canal lands	30
Philipstown	65
Pittsfield, additional Notary Public in	66
Scottville	36
Shepardstown, plat of vacated	44
Sparta	37
Tiskilwa	108
Uniontown	154
Victoria, name of changed	65
Washington, plat of, vacated	32
Windsor, name of changed	108
Winnebago, alleys in vacated	134
Worcester, name of changed	44

Treasurer and Auditor's report. See appendix.

with Governor, to settle accounts of  
agents to negotiate canal loans

Trustees of Schools, 8 N. 5 E. to refund certain monies	131
Turnpike, Vandalia and Mississippi company incorporated	138

## U.

Union Agricultural Society, act to amend	33
Union county authorized to borrow money	75
Union, Springfield Mechanics	74



	PAGE.
Uniontown. See Towns.	
University, Rock Island	17
V.	
Venue, change of, act amended	36
Victoria. See Towns.	
W.	
Washington. See Towns.	
Whiteside county, time of holding courts in	88
Wildy Lodge, benefit of	134
Williamson county, act in relation to	87
act to establish amended	88
records of	86
Winchester, Lynville and Jacksonville Rail Road company	24
Windsor. See Towns.	
Winnebago county, time of holding courts in	88
Winnebago. See Towns.	
Witnesses, compensation of certain	46
Witters, Samuel, bridge across Little Wabash river	78
Wolves, killing of encouraged, act amended	155
Worcester. See Towns.	
Works, Board of Public, act abolishing	98
act creating new	93
authorized to settle accounts of Edw'd	
Smith deceased	112
prohibited from letting new contracts	85









